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THESIS

**FOREIGN ASSISTANCE AND ITS IMPACT ON CIVIL-
MILITARY RELATIONS: A CASE STUDY OF FEDERAL
DEMOCRATIC REPUBLIC OF NEPAL**

by

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March 2014

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NEPAL**

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ABSTRACT

As Nepal went through a sea of political changes since 1990, civil-military relations (CMR) also came into the limelight. Nepal's democratic CMR can be understood best by dividing it into two distinct time periods, from 1990 to 2005 and from 2006 to 2012. The first period illustrates Nepal's practice of multiparty democracy with a constitutional monarchy, and the second period represents the transition into a republic with a multiparty democracy. In both periods, despite constitutional provisions to bring the Nepalese Army under civilian control, the military has prevailed over the civilian government whenever there was friction in civil-military relations.

In addition to the domestic interplay, the divergent foreign assistance—guided mainly by the donor's geo-strategic and political interests—has complicated Nepal's civil-military relations. Given Nepal's geo-strategic location, it receives significant amounts of foreign assistance from both its neighbors India and China, and from the world superpower, the U.S. While foreign assistance benefits many programs in Nepal, it can also affect the dynamics of CMR as various political parties and the military have long-established relations with these external powers. This research studies the impact of foreign assistance on the CMR by analyzing various types of assistance provided by India, China, and U.S., and their motives behind rendering the assistance.

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LIST OF ACRONYMS AND ABBREVIATIONS

CA	Constituent Assembly
C-in-C	Commander in Chief
CMR	Civil-Military Relations
COAS	Chief of the Army Staff
CPN	Communist Party of Nepal (Maoists)
CPA	Comprehensive Peace Agreement
E-IMET	Expanded International Military Education and Training
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IMET	International Military Education and Training
MOD	Ministry of Defense
NA	Nepalese Army
NDC	National Defense Council
NIPS	Nepal Institute for Policy Studies
NSC	National Security Council
PAC	Public Account Committee
PLA	People's Liberation Army
SPA	Seven Party Alliance

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I. INTRODUCTION AND LITERATURE REVIEW

A. INTRODUCTION

Nepal has undergone tremendous political change over the past two decades. In 1990, the government began its transition from a party-less autocratic *Panchayat* system with an absolute monarchy to a multiparty democracy with a constitutional monarchy. During this consolidation phase, Nepal saw a decade long Maoist insurgency leading to a royal takeover in 2005, which then produced an anti-monarchy alliance between agitating democratic parties and the Maoists. Finally, the Comprehensive Peace Agreement (CPA), signed on November 2006, successfully ended the monarchy and the violent insurgency in the country simultaneously, and the first meeting of a newly elected Constituent Assembly (CA) declared Nepal a Federal Democratic Republic in 2008.¹

As Nepal transitions into a democratic system, Civil-Military Relations (CMR) increasingly comes into focus. Historically, the military was under the supervision of the monarchy, so its transition to civil authority is an essential but tense issue. Interestingly, the transition to democracy since the signing of the CPA has undermined many of Nepal's traditional institutions; however, the Nepalese Army (NA) remains a stable national institution.² The NA's decision to respect the CA by not aligning with the king during this transition to democracy phase indicates that the NA accepts the aspiration of the people for change and is willing to work with the civil authorities.³ With the abolition of the monarchy in 2008, the army began to deal directly with the political parties as the

¹ The Comprehensive Peace Agreement (CPA) was a result of long and often difficult negotiations between the Seven Party Alliance (SPA) and CPN (Maoists). When it was finally signed in November 2006 in Kathmandu by all the SPA leaders, it officially signaled the end of the ten-year long Maoist conflict. Through this agreement, the SPA and Maoists committed themselves to a peace process that would not only end the Maoist conflict but also lay out a road map for elections to a Constituent Assembly that would restructure Nepal along more democratic and inclusive lines. See, Comprehensive Peace Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist), <http://un.org.np/node/10498>; The Freedom House Index of 2013 says Nepal is partly free.

² Ivan Campbell, "Nepal Case Study," in *China and Conflict-Affected States: Between Principle and Pragmatism* (2012), 7, <http://www.saferworld.org.uk/downloads/pubdocs/FAB%20Nepal.pdf>.

³ Bishnu Raj Upreti and Peter Vanhoutte, "Security Sector Reform in Nepal: Challenges and Opportunities," 179, <http://eprpinformation.org/files/peaceprocesses/ssr/ssr-in-nepal-challenges-and-opportunities.pdf>.

military came under democratic civilian control and thus the focus on CMR intensified.⁴ In spite of provisions for civilian control of the military in the interim Constitution of 2007, Nepal continues to struggle with stabilizing its CMR, partly because the civilian consolidation has yet to occur at the center.

The complexity of Nepal's recent political change is reflected in the number and type of players involved in the process of stabilizing the country; the political outcome was due to four main players: the Maoists, the mainstream democratic political parties, the King, and the international community. The international community mainly comprises India, the West (including the U.S., U.K., and EU), the United Nations, and China.⁵ As the major donors of security assistance, India, China, and the U.S. especially influenced the transition process in Nepal.⁶ The NA, in particular, receives substantial military aid from foreign donors. With the presence of various external competing players in the transitioning process, this thesis then focuses on the important question: what is the impact of competing foreign security assistance on the CMR of Nepal? This research will make an important contribution to the theory of CMR by examining the impact of foreign influence in democratizing developing countries.

B. IMPORTANCE

Nepal's civil-military relations, at this crucial phase, present an opportunity to study the impact of diverse and competing foreign security assistance upon the developing civil-military institutions of a country. In a world where major powers try to carve out areas of interest, such an analysis will help expand our knowledge of how various, and at times competing, international players can shape a country's institutional

⁴ "Discourses of Civil-Military Relations in Nepal," *Nepal Institute for Policy Studies, Policy Paper 7* (2012): 12, http://www.nipsnepal.org/pictures/publication/L59CivilMilitary_relations_in_Nepal19_March_2012.pdf.

⁵ S. D. Muni, "Bringing the Maoists Down From the Hills," in *Nepal in Transition: From People's War to Fragile Peace*, ed. Sebastian von Einsiedel, David M. Malone, and Suman Pradhan (Cambridge: Cambridge University Press, 2012), 313, 316.

⁶ India has agreed to supply military stores and equipment worth \$20 million, see "Fact Sheet: India-Nepal Partnership," July 9, 2013, www.mea.gov.in/press-releases.htm?dtl/21920; Utpal Parashar, "China Doles out \$19.8 Million in Military Aid to Nepal," *Hindustan Times*, March 24, 2011, www.hindustantimes.com/StoryPage/Print/677053.aspx; "United States Spent \$3.5 Million under IMET Program in 2011," see www.state.gov/documents/organization/197607.pdf.

development. Such a contribution can improve policies on foreign aid for the developing democracies as well as the international community.

While substantial research exists on CMR in democratizing countries, and some on various types of security assistance to democratization, there are limited analyses on the impact of competing foreign security assistance on civil-military relations in emerging democracies during a globalizing age. This thesis strives to contribute to that effort.

C. PROBLEMS AND HYPOTHESES

How do civil and military institutions reconcile after a period of upheaval when the military's priorities are also influenced by external forces? Nepal's political setting presents an example wherein political and military institutions have deep relations with external players. More prominently, since the beginning of the Maoist insurgency Nepal became a strategic factor for the U.S. Consequently, the U.S. started a deeper engagement in Nepalese politics.⁷ Increased involvement of such extra-regional powers prompted its neighbors, India and China, to enhance their security and economic assistance to Nepal. Scholars also equally acknowledged that all of the donor countries have divergent interests in assisting the NA.⁸ This diversity of interest may have unintended consequences. Two hypotheses shape this research:

1. The diverse foreign security assistance causes complexities in the civil-military relations, as the military becomes more powerful in relation to other traditional institutions.
2. The very diversity of the foreign security assistance may provide stability in civil-military relations even under unstable political conditions.

D. LITERATURE REVIEW

In order to assess the impact of foreign security assistance on the CMR of Nepal, it is important to study literature on CMR and Nepal's foreign relations, because foreign assistance has deeply shaped the military's strength in Nepal. Yet, there is a limited

⁷ Nihar Nayak, "Involvement of Major Powers in Nepal since the 1990s: Implications for India," *Strategic Analysis* 33, no. 1 (2009): 41, doi:10.1080/09700160802518551.

⁸ Ibid.

literature on civil-military relations in Nepal. Moreover, literature on the role of foreign players on civil-military relations is virtually non-existent despite the fact that the military gets large amounts of assistance from players. While there is a substantial amount of literature on security assistance to Nepal, these studies seldom discuss the impact of such assistance specifically on civil-military relations in a democratizing setting. Most of the available literature views civil-military relations as an outcome of domestic political interplay, and they rarely mention the role of foreign support in shaping the behavior of military and civilian leaders. This thesis will help bridge that gap. First, this thesis will review the available literature on theories of democratic civilian control and effectiveness, dynamics of civil-military relations in Nepal, and foreign security assistance.

1. Theoretical Aspects of Civil-Military Relations

According to Samuel P. Huntington, an eminent civil military scholar, like any other professional institution, the military has to demonstrate expertise, responsibility to society, and a distinct corporate character. The professional military thus has to exhibit expertise to manage violence, the responsibility to provide security to society, and a set of distinct ethos and values that make up its corporate character. He argues that the best way to maximize military professionalism is through adoption of the “objective civilian control” mechanisms.⁹ Definitions of military professionalism may vary with time and context. Perhaps the most contemporary definition of military professionalism, in the context of civil-military relations, is defined by Anthony Forster, Timothy Edmunds, and Andrew Cottey. According to them, professional soldiers “accept that their role is to fulfill the demands of the civilian government of the state and are capable of undertaking military activities in an effective and efficient way, and whose organization and internal structures reflect these assumptions.”¹⁰

⁹ Samuel Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Belknap Harvard, 1957), 83.

¹⁰ Anthony Forster, Timothy Edmunds, and Andrew Cottey, “Introduction: The Professionalization of Armed Forces in Postcommunist Europe,” in *The Challenge of Military Reform in Postcommunist Europe: Building Professional Armed Forces*, ed. Forster, Edmunds, and Cottey (Basingstoke, UK: Palgrave, 2002), 6.

The concept of objective civilian control demands that the military be given complete autonomy to manage violence, so that the military is not involved in politics and can focus on its mission of providing security to the society. Here the focus is on militarization of the military. “Subjective civilian control,” on the other hand, achieves the goal of civilian control by maximizing civilian power through various democratic institutions such as a constitution, an executive body, a parliament, and an oversight mechanism such as budgetary control.¹¹ Huntington’s theories of civilian control are more useful to understand CMR in advanced democracies because his theories are explaining a process in civilian consolidation regions. In the democratizing countries where democratic institutions are yet to mature, such theories do not suffice to explain the complexities of CMR. For instance, Nepal is implementing civilian control of the military along with the civilian consolidation in a post-civil war framework. Thus, this study will analyze the specific factors associated with the civilian leadership and the army in Nepal in order to understand CMR development in transitioning developing countries

Morris Janowitz, propagates a sociological approach for the professionalization of the military. Contrary to Huntington, he argues that civilian control is best achieved through civilianization of the military. He specifically values the broader influences of society on the military culture. He recommends that, as the military democratizes, people from all walks of life can join the officer corps, making it more inclusive and mirroring the society they serve, which will in turn motivate the military to work for the best interest of their society.¹² The study of Janowitz’s sociological approach is useful to understand why at times NA is perceived as working against the interest of the society, because historically military leadership came from only a certain elite class of people, and thus the common people lacked the ownership of the military. Janowitz does not explain the role of external powers in democratizing the military or its impact on the professionalism and military culture. Thus, this thesis will analyze the influence of the external forces on the behavior of both the civilian and the military leadership in Nepal.

¹¹ Ibid., 80.

¹² Morris Janowitz, *The Professional Soldier* (New York: Free Press, 1971), 427.

The military is said to be under civilian control when all decisions of government, including security affairs are made by the civilian officials of the regime outside the military.¹³ The essence of civilian control is to make the military subordinate to the society it serves, and not the reverse. Richard H. Kohn sheds light on the importance of civilian control in democratic regime through the following statement, “While a country may have civilian control of the military without democracy, it cannot have democracy without civilian control.”¹⁴ Democracy from a minimalist point of view has many elements, and one of them is civilian control of the military. Many scholars, such as Kohn and Karen Guttieri highlight the importance of civilian control, but remain silent on the significance of the effectiveness of the military, which is at the heart of understanding CMR.¹⁵ One of the causes of friction in democratic civil-military relations is best explained by a new phenomenon that “the empowering of civilian political leaders, who often have little or no background on security issues and may be suspicious of the armed forces, is likely to alter the ways states approach security issues.”¹⁶ Building upon the core notion of these various literatures, one can conclude that an enhanced effectiveness of the armed forces is essential for a sound CMR. Thomas Bruneau and Florina Cristiana Matei contend that the sole focus on democratic control of the military is insufficient to explain the democratic CMR. Hence, they propose a new concept of civil-military relations within the framework of a trinity: 1) “democratic civilian control of the security forces,” 2) “effectiveness of the security forces in fulfilling their assigned roles,” and 3) “their efficiency, that is, fulfilling the assigned roles and missions at a minimum cost.”¹⁷

¹³ Richard H. Kohn, “How Democracies Control the Military,” *Journal of Democracy* 8, no. 2 (1997): 2.

¹⁴ Ibid.

¹⁵ Karen Guttieri, “Professional Military Education in Democracies,” in *Who Guards the Guardians and How*, ed. Thomas C. Bruneau and Scott D. Tollefson (Austin: University of Texas Press, 2006), 236.

¹⁶ Thomas Bruneau and Harold Trinkunas, “International Democracy Promotion and Its Impact on Civil-Military Relations,” in *Global Politics of Defense Reform*, ed. Thomas Bruneau and Harold Trinkunas (New York: Palgrave MacMillan, 2008), 50.

¹⁷ See Florina Cristiana Matei, “A New Conceptualization of Civil-Military Relations,” in *The Routledge Handbook of Civil-Military Relations*, ed. Thomas C. Bruneau and Florina Cristiana Matei (London: Routledge, 2013), 26. However, Bruneau argues in Chapter 4 of the same book that “the concept of efficiency in the use of resources for national security and defense is at best misleading, a ‘red herring.’” Thus, because efficiency is difficult to measure, I will consider civil-military relations conceptualized only by democratic civilian control and effectiveness.

Bruneau and Matei assert that the new concept is relevant to contemporary multi-faceted and network-like security challenges and equally applicable to both developing as well as consolidated democracies. How is it relevant to CMR though?

The previously mentioned theories provide a theoretical framework for considering the important issues surrounding civilian control of the defense forces, including its effectiveness, but they lack an explanation or an understanding of external forces that shape the issues cited. Nepal, meanwhile, because of its location and democratization during the era of the War on Terror, is deeply affected by external players. According to Tom Bruneau and Harold Trinkunas, there is almost no systematic assessment of the impacts made by the external actors in shaping CMR, and there is virtually no literature that explains the impact of foreign programs and relationships on CMR.¹⁸ Thus, in order to analyze the case of Nepal, there is a need to study the literature on evolving indigenous CMR and foreign security assistance rendered to it.

2. Understanding Civil-Military Relations in Nepal and Foreign Security Assistance

Dhruba Kumar, a prominent Nepalese political scientist, argues that despite grudges against the monarch, the democratic political parties did very little to weaken the military-monarch relationship in the Constitution of 1990. According to him, absence of functional democratic institutions, lack of interest and knowledge of security affairs, and a legacy of deep monarch-military relations were the main causes of Nepal's failure to achieve democratic control of security forces from 1990.¹⁹ Although Kumar identifies the lapses pertaining to CMR in the post 1990, he does not explain why such lapses remained a problem. This thesis will attempt to analyze the role of external power in the outcome of CMR during the period.

Bringing the NA under the civilian control was one of the main political requirements when the Parliament was reinstated in 2006. Hence, an interim Constitution

¹⁸ Bruneau and Trinkunas, "International Democracy Promotion," 56–58.

¹⁹ Dhruba Kumar, "Democratic Control of Security Forces," in *Changing Security Dynamics in Nepal*, ed. Rajan Bhattarai and Rosy Cave (London: Saferworld, 2009), 136, 140, http://www.saferworld.org.uk/downloads/pubdocs/ChangingSecurityDynamicsOfNepal_english.pdf.

of 2007 made special provisions to bring NA under absolute control of the civilian authority. A policy paper presented by the Nepal Institute for Policy Studies (NIPS) affirms that the interim constitution compelled the Chief of the Army Staff (COAS) to pledge allegiance to the principle of civilian control over the armed forces, while taking the oath of office. Similarly, the State Affairs Committee and Public Account Committee (PAC) were created as a mechanism of parliamentary oversight.²⁰ The NIPS paper sheds light on Nepal's quest to institutionalize democratic civil-military relations and explores the domestic dimension of CMR in Nepal. However, its scope of analysis is limited to internal dynamics only.

The civil-military crisis of 2009, which arose with sacking of the Chief of the Army Staff by the Maoist-led government, provides a good opportunity to assess the impact of foreign power in the dynamics of CMR in Nepal. Then Prime Minister Puspa Kamal Dahal resigned over the fiasco of the sacking of the COAS General Katawal in 2009.²¹ Many scholars portray the case as probably the nadir of civil-military relations in Nepal since the signing of CPA.²² The International Crisis Group reports that India has pursued increasingly interventionist policies through proxies in Nepali politics and it continues the policy of supporting the NA as the most reliable force against the Maoists or anarchy. Similarly, a prominent Nepal expert, Professor S. D. Muni, sees foreign support to the NA as instrumental in bringing down the Maoist-led government. He asserts that "India and the U.S. particularly looked towards the army sympathetically as, in their perception, a Nepal dominated by unrestrained and assertive Maoists could become a strategic liability in view of a rising China in the neighborhood."²³ This case

²⁰ Ibid.

²¹ International Crisis Group, "Nepal's Future: In Whose Hands?" *Asia Report* No. 173 (August 2009), 6.

²² Most diplomatic missions were concerned at Katawal's possible dismissal more out of fears for stability and genuine doubts about Maoists' ill intent than any great respect for him. But the real actor, as ever, was New Delhi. Mobilizing India's big guns was not difficult, as India had been intimately involved in planning the downfall of the government. Indian Foreign Minister Pranab Mukherjee played an important role, telephoning Jhulanath Khanal in China and advising him to return to Kathmandu and withdraw support to the Maoists. See International Crisis Group, "Nepal's Future: In Whose Hands?" *Asia Report* No. 173 (August 2009).

²³ S. D. Muni, "State, Army and the Aam Admi in Nepal," http://www.india-seminar.com/2010/611/611_s_d_muni.htm.

study will be instrumental to analyze how foreign powers use their leverage to achieve their own vested interests in weak recipient countries.

Peter Feaver's work on coups claims the importance of external players. He asserts that although the civil-military relations theory traditionally focuses on coups, there are many other dependent variables in civil-military phenomena, such as military influence, civil-military friction, military compliance, and delegation and monitoring. They can be caused by external or internal factors. Feaver argues that "the presence of external threat or the pressure in the form of targeted aid and advice from influential great powers" can shape a country's civil-military relations.²⁴

Being an underdeveloped country Nepal gets economic and security assistance from major external powers such as India, China, and the United States. This aid tends to influence the domestic as well as foreign policy of the country.²⁵ Nihar Nayak asserts that the divergent interests of these influential powers sometimes complicate the very peace process and reconciliation which they intend to support. The article by Nayak sheds light on the involvement of competing external powers in Nepal, and this thesis will build on such competition to assess the impact on the policies of Nepal.

Another scholar focusing on Nepal, Bruce Vaughn shows that foreign donors are in competition with each other and how their foreign assistance is tailored to achieve their own interests. According to him, India considers Nepal as a strategic link in its defense against China on a northern border. China, on the other hand, expects no anti-China activities by Tibetans or their supporters and considers Kathmandu as a significant place in China's strategy of encircling India.²⁶ The U.S. identifies Nepal as an important location to monitor the activities of troubled Tibet in China.²⁷ This geo-political context clearly underscores Nepal's strategic importance to security of the region.

²⁴ Peter D. Feaver, "Civil-Military Relations," *Annual Review of Political Science*, no.2 (1999): 217–222.

²⁵ Nayak, "Involvement of Major Powers," 41.

²⁶ Bruce Vaughn, *Nepal: Political Developments and Bilateral Relations with the United States*, CRS Report RL34731 (Washington, DC: Library of Congress, Congressional Report Service, April 7, 2011), <http://www.fas.org/sgp/crs/row/RL34731.pdf>.

²⁷ Nayak, "Involvement of Major Powers," 43.

The impact of foreign assistance on the recipient country, according to Bruneau and Trinkunas, depends upon the interest of the donor. For instance, the U.S. support for civil-military relations in Europe is more focused on effectiveness and efficiency, whereas civilian control is the priority in most cases in Latin America, Africa, and Asia.²⁸

The donor countries, therefore, continue to influence the politics of the recipient country. According to Muni, India plays an important role in every major political development in Nepal. For instance, India played a key role in creating an alliance between the seven political parties and the Maoists that subsequently paved the way for the comprehensive peace process.²⁹ India is the largest military assistance provider. In 2009 alone, it pledged to give \$55 million to the Nepalese Army.³⁰ In July 2013, India agreed to resume sending military supplies of various kinds, including lethal and non-lethal weapons, which had been suspended since the royal takeover in 2005.³¹

According to Campbell, China is mainly focused on “the one China policy,” and it seeks to ensure that Nepal does not allow any anti-China activities from its land.³² Nayak, however, asserts that a shift in Chinese policy towards Nepal occurred since the Maoist party ascended into power after the election of the Constituent Assembly in 2008.³³ With the demise of the monarchy, Nayak maintains, China’s long-time stable partner in Nepal is seeking a suitable party to engage in a much closer and deeper

²⁸ Bruneau and Trinkunas, “International Democracy Promotion,” 59–61.

²⁹ Muni, “State, Army and the Aam Admi,” http://www.india-seminar.com/2010/611/611-_s_d_muni.htm.

³⁰ “Nepal’s Fitful Peace Process,” *International Crisis Group Asia Briefing* 120, April 7, 2011, <http://www.crisisgroup.org/~media/Files/asia/south-asia/nepal/B120-Nepals%20Fitful%20Peace%20Process>.

³¹ Anil Giri, “After 8 Years, India to Resume Military Supplies to Nepal,” *The New Indian Express*, July 11, 2013, <http://newindianexpress.com/nation/After-8-years-India-to-resume-military-supplies-to-Nepal>.

³² One China policy refers to China’s own sovereignty and territorial claims, which are primarily concerned with denying official recognition to Taiwan and to claiming Tibet. Tibet is China’s so-called ‘core interest,’ which essentially means that it is not open to negotiation and China will use all means necessary to protect it. See Ivan Campbell, “Nepal Case Study,” in *China and Conflict-Affected States: Between Principle and Pragmatism*, January 2012.

³³ Nihar Nayak, “Nepal: New ‘Strategic Partner’ of China?” *Institute for Defence Studies and Analysis*, March 30, 2009, http://idsa.in/idsastrategiccomments/NepalNewStrategicPartnerofChina_NNayak_300309.

relation. Akanshaya Shah claims that China had traditionally adopted a policy of non-intervention in Nepal, but a controversial audio tape of 2009 revealed an alleged conversation of a financial deal to help the formation of a government under the Maoist leader. If true, it hints at the willingness of the north to get involved in the domestic politics of Kathmandu.³⁴

Military assistance to Nepal has been an important feature of Sino-Nepal relationship.³⁵ Shah stresses that during the direct rule of the king in 2005, the U.S. and India refused to supply weapons. China was the only country that provided much sought after military assistance to Nepal. Since 2008, China has significantly increased military aid to Nepal.³⁶

In a broader sense, Jim Yardley opines, India and China share a common goal in Nepal. According to him, both desire political stability in Nepal so that their security concerns are addressed in a sustainable manner.³⁷ Prashant Jha, however, states that in the years ahead it will be a challenge for Nepal to steer between China and India as these neighbors compete for more influence in the region.³⁸ Ivan Campbell further declares that China's increasing role can significantly change the balance of power and influence in Nepal. He claims China's growing support means less dependency on India or upon U.S. assistance, which can weaken the leverage of India or the U.S. over democratization, as China often provides assistance without strings attached.³⁹

³⁴ The controversial audio tape of 2009 purportedly containing a conversation between Krishna Bahadur Mahara, the International Bureau Chief of the Unified CPN-Maoist, and an unknown Chinese in which Mahara was heard asking for 500 million rupees to buy 50 lawmakers to help form the government under Prachanda's leadership, brought China into Nepal's political debate. See Akanshya Shah, "Jiabao's Cancelled Visit and Sino-Nepal Relations," *Observer Research Foundation*, December 19, 2011, <http://www.observerindia.com/cms/sites/orfonline/modules/analysis/AnalysisDetail.html?>

³⁵ Akanshya Shah, "Jiabao's Cancelled Visit and Sino-Nepal Relations," *Observer Research Foundation*, December 19, 2011, <http://www.observerindia.com/cms/sites/orfonline/modules/analysis/AnalysisDetail.html?>

³⁶ Prashant Jha, "A Nepali Perspective on International Involvement in Nepal," in *Nepal in Transition: From People's War to Fragile Peace*, ed. Einsiedel, Malone, and Pradhan (Cambridge: Cambridge University Press, 2012), 352–355; Parashar, "China Doles out," *Hindustan Times*, March 24, 2011.

³⁷ Jim Yardley, "China Intensifies Tug of War with India on Nepal," *New York Times*, February 18, 2010, <http://www.nytimes.com/2010/12/18/world/asia/18nepal.html?>

³⁸ Jha, "A Nepali Perspective," 355.

³⁹ Campbell, "Nepal Case Study," 20.

Assistant Secretary of State for the U.S., Dr. John Hillen, testified, “Security assistance is a critical foreign policy tool that allows ... promoting key American values with respect to democracy, human rights, and civilian rule of the military.”⁴⁰ He stressed that the U.S. provides training, advice, and assistance to the militaries of developing countries as a security assistance to further its foreign policy goals. Washington asserts that employment of such instruments helps to achieve the goals in a cost-effective way. It allows the U.S. to have political influence and encourages attitudinal changes in the host country.⁴¹

While the literature available on civil-military relations in Nepal mainly illustrates domestic political dynamics, the role of foreign players is apparent. The current literature fails to analyze the various players involved in impacting the NA’s relations with the democratic civil authority. Although there is no dearth of literature on various security assistances to Nepal, virtually none of it analyzes how security assistance combined with their diverse interests, can influence the nature of the army of a developing country that is in transition to democracy. This thesis will contribute to the study of civil-military relations by combining the effect of foreign security assistance on the NA and its impact on the relations between army and the democratic civilian leaders.

E. METHODS AND SOURCES

This case study of Nepal will assess the impact of foreign security assistance provided by India, China, and the United States on civil-military relations.

The research will be conducted from primary and secondary sources. The primary sources will encompass the newspapers, archives of government documents, agreements, press releases, seminar papers, and personal experiences of the author. Since the issues are current and developing, primary resources will have to be relied up on in considering the most recent events. However, theoretical and historical aspects of civil-military

⁴⁰ Dr. John Hillen, Assistant Secretary of State, Political Military Affairs, “Security Assistance as a Tool for Building Capacity,” *Testimony to the House Armed Services Committee*, 49.

⁴¹ See “U.S. International Security Assistance Education and Training” in <http://www.fas.org/asmp/campaigns/training.html>.

relations will be dealt with through secondary resources, such as books, journal, articles, and theses.

F. THESIS OVERVIEW

This thesis is divided into four chapters. Chapter I includes the introduction, covering the major research question, the importance of the study, statement of the problem and hypothesis, literature review, methods and sources, and the overview of the thesis. Chapter II focuses on the various foreign assistances rendered to Nepal by India, China, and the U.S., and will attempt to answer why and in what forms this assistance is provided. This chapter will study the background of bilateral relations, vital interests, and different assistance programs of the donor countries in two specific period of time—from 1990–2005, when Nepal ushered in a multiparty democracy, and from 2006–2012, when the country transitioned into a republic after successfully signing a Comprehensive Peace Agreement with the rebellious Maoists. The Chapter III assesses the impact of external assistance on civil-military relations by analyzing the democratic civilian control and the operational effectiveness of the NA. Finally, Chapter IV contains the conclusion with some recommendations to donors to identify the best possible ways to contribute foreign assistance to build positive democratic civil-military relations.

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II. FOREIGN ASSISTANCE TO NEPAL

A. INTRODUCTION

Nepal's strategic importance increased substantially after it became an important buffer state between the two giants of Asia—India and China—especially after the Chinese occupation of Tibet in 1950. Consequently, both neighbors came to compete for influence over Nepal through lending various forms of assistance. Nepal's role as a transit between India and China for the flow of Tibetan refugees also highlights the country's strategic position.⁴² Thus, as a small and underdeveloped country sandwiched between two competing regional powers, China and India, Nepal attempts to balance the conflicting interests of the two neighboring states and the world's superpower.⁴³

Apart from its powerful neighbors, Nepal also gets substantial foreign assistance from extra-regional powers, such as the U.S., UK, Japan, South Korea, and European Union because of the growing importance of the region. The U.S. being the hegemonic power in the world, however, has more strategic and political interests in Nepal other than its immediate neighbors.⁴⁴ These donors provide Nepal with foreign assistance in political, economic, and security arenas. Foreign aid in Nepal comprises almost a quarter of the national budget.⁴⁵ As of 2010, Nepal has some 50 bilateral and multilateral development partners and over 100 International Non-Governmental Organizations (INGOs) active in Nepal. The foreign aid continues to be a major source of national budget for the government's expenditure on development works.⁴⁶ In addition, aid has also come in the form of military assistance. During the later years of the counterinsurgency campaign, foreign military assistance played an important role in

⁴² Campbell, “Nepal Case Study,” 4.

⁴³ Kamal Raj Sigdel, “Refugees and Geopolitics: Exploring the U.S. and Indian Influences in the Treatment of Bhutanese and Tibetan refugees in Nepal,” 2, http://www.icird.org/publications?task=file&action=download&path=%5BDIR_PUBLICATIONS_PAPER%5D02_kamalrajsigdel_fullpaper.pdf.

⁴⁴ Nayak, "Involvement of Major Powers," 41.

⁴⁵ Vaughn, "Nepal: Political Developments," 11.

⁴⁶ Joint Evaluation of the Implementation of the Paris Declaration, Phase II, Nepal Country Evaluation, Ministry of Finance, <http://www.oecd.org/countries/nepal/47671748.pdf>.

enabling the Nepalese Army to launch effective military operations that successfully denied the Maoists a military victory.⁴⁷ After the end of monarchy, both of Nepal's neighbors increased military aid assuming the Nepal Army is the only strong and stable institution that can protect their strategic interests.⁴⁸

The scope of this chapter is limited to the study of foreign assistance from India, China, and U.S., who are largest providers of foreign aid and, particularly, aid that has influenced the country's civil-military relations. Aid often comes as humanitarian assistance and development packages, but underlying the apparent, countries mostly use it to secure their economic, political, and security interests.⁴⁹ This interplay of various assistances serving different and often competing interests can have consequences on the matters of security and foreign affairs of Nepal. In this context, this chapter will highlight Nepal's bilateral relations with each of these countries, their vested interests, and various forms of assistance rendered to Nepal as it endeavors to exercise democracy. This chapter will also show that how foreign assistance is tailored to uphold the divergent interests of the donors and to check the influence of others.

B. OVERVIEW OF INDO-NEPAL RELATIONS

Nepal and India share 1800 kilometers of an open and unregulated border, which provides for shared strategic interests and socio-cultural similarities.⁵⁰ Consequently, the two countries share special relations at a social and political level as well as at the strategic one. For instance, chief of army staff of the Indian Army is given the honorary rank of a general in the Nepal Army and a reciprocal honor is conferred on the chief of the Nepal Army.⁵¹ This relationship has a history which goes back to the British period,

⁴⁷ Donald A. Camp, "United States Interests and Goals in Nepal," *The DISAM Journal* (Spring 2005): 50, http://www.disam.dsca.mil/pubs/Vol%2027_3/Camp.pdf.

⁴⁸ Lok Nath Bhusal and Pritam Singh, "Externally Determined Development: Does Indo-China Rivalry Explain Nepal's Underdevelopment?" *Millennial Asia* 2, no. 2 (2011): 170, doi:10.1177/097639961100200202.

⁴⁹ Nilanjana Biswas, "South Asian Aid Regimes," *HIMALSOUTHASIAN*, December 17, 2013, <http://www.himalmag.com/component/content/article/5212-southasian-aid-regimes.html>.

⁵⁰ Nayak, "Involvement of Major Powers," 42.

⁵¹ "India-Nepal Relations," http://www.mea.gov.in/Portal/ForeignRelation/Nepal_Brief.pdf.

but at times, it has been tense. Yet, even when there were tensions, the military-to-military relations between the two countries continued despite disagreements at the political level. India is Nepal's largest aid provider and trading partner.⁵²

After the Anglo-Nepal War of 1814–1816, the British East India Company was able to address its security interest by making Nepal a subordinate ally through subsequent treaties. The British viewed Nepal as a friendly buffer state in the north. As per the treaty of 1816 with the British, Nepalese Gurkhas served in the British Army alongside with the Indian armies. Since then, Nepal has enjoyed intimate military relations with the Indian Army.⁵³ Therefore, in 1947, when India became independent, it inherited the same security concerns and relationship.⁵⁴ This tradition of close military ties between the two countries still continues to exist.

The Treaty of Peace and Friendship signed in 1950 is the bedrock of the Indo-Nepal relations.⁵⁵ The Chinese military intervention in Tibet in 1950 posed a common threat to the security of both India and Nepal, which resulted in a mutual security arrangement between two countries through the Treaty of Peace and Friendship of 1950. According to the treaty, Nepal received many economic benefits, but it became dependent upon India for military training and purchase of the arms.⁵⁶ The treaty also granted rights to the citizens of both countries to work, reside, and even obtain citizenship in each other's country.⁵⁷ Such provisions made the bilateral relations between India and Nepal unique and special. In addition, letters were also exchanged promising that “neither Government shall tolerate any threat to the security of the other by a foreign aggressor. To deal with any such threat, the two governments shall consult with each other and

⁵² Ashley J. Tellis, Travis Tanner, and Jessica Keough (eds.), *Asia Responds to Its Rising Powers: China and India* (Seattle: The National Bureau of Asian Research, 2011), 301.

⁵³ See <http://www.nepalarmy.mil.np/history.php?#>.

⁵⁴ See <http://www.nepalarmy.mil.np/history.php?#>.

⁵⁵ “India-Nepal Relations,” http://www.mea.gov.in/Portal/ForeignRelation/Nepal_Brief.pdf.

⁵⁶ Sangita Thapaliyal, *Mutual Security: The Case of India-Nepal* (New Delhi: Lancer Publishers and Distributors, 1998), 13.

⁵⁷ Aparna Pande, “India-Nepal: Sins of Omission and Commission,” May 21, 2012, http://www.huffingtonpost.com/aparna-pande/indianepal-sins-of-omissi_b_1530994.html?

devise effective counter-measures.”⁵⁸ Similarly, Article 5 of the 1950 Treaty provided that Nepal shall be free to import, from or through India, any war-like material or equipment deemed necessary for the security of Nepal with the prior agreement and assistance from the Government of India.⁵⁹ This Article, however, has been a contentious one since 1989 when Nepal purchased weapons from China, as the two countries perceive it differently. India interprets the provision as an obligation for Nepal to consult and seek permission from India before buying any military hardware from the third country. Whereas, royalists and nationalists of Nepal argue that the Article 5 does not prohibit Nepal from buying arms from China as the arms do not come through the territory of India.⁶⁰

After the Sino-Indian War of 1962, the Himalayas were no longer considered an impassable northern barrier by India, because the Chinese proved that with the advancement of technology in the fields of transport, communication, and military equipment the Himalayas are assailable.⁶¹ In this changed security context, India reassessed its policy towards Nepal. After the accession of King Mahendra to the throne in 1955, Nepal discarded the concept of special relationship with India and pursued the policy of equal friendship with both of its neighbors. Nepal established close ties with China after the King abrogated Parliament to establish an autocratic party-less political system called *Panchayat*.⁶² Although India declared such move as a setback to democracy in Nepal, in the wake of defeat in the Sino-Indian border war, India needed to engage

⁵⁸ John W. Garver, “China-India Rivalry in Nepal: The Clash over Chinese Arms Sales,” *Asian Survey* 31, no. 10 (1991): 956, <http://www.jstor.org/stable/2645066>.

⁵⁹ Rajeev Ranjan Chaturvedy and David M. Malone, “A Yam between Two Boulders,” in *Nepal in Transition: From People's War to Fragile Peace*, ed. Einsiedel, Malone, and Pradhan (Cambridge: Cambridge University Press, 2012), 294.

⁶⁰ “Nepal: India Objects to Arms Purchases,” *Economic and Political Weekly* 23, no. 41 (1988), <http://www.jstor.org/stable/4379147>.

⁶¹ Deeptima Shukla, “India-Nepal Relations: Problems and Prospects,” *The Indian Journal of Political Science*, 67, no. 2 (2006):361, <http://www.jstor.org/stable/4185622>.

⁶² ‘Panchayat’ was the political system of Nepal in effect from 1962 until 1990. It was based on the Panchayat system of self-governance historically prevalent in South Asia. It was formulated by King Mahendra after overthrowing the democratically elected government and dissolving the Parliament in 1960. The Panchayat system was first institutionalized by the 1962 Constitution of Nepal. The political system was a party-less “guided” democracy in which the people could elect their representatives, while real power remained in the hands of the monarch.

Nepal to keep it friendly. Therefore, realizing the deep-rooted relationship of the monarchy with the Nepalese society, India supported the King for stability over an issue of democracy.⁶³ Subsequently, Nepal and India signed an Arms Assistance Agreement in 1965.⁶⁴ The agreement clearly stated that India would be the sole provider of the arms and equipment to the Nepal Army and only in the case of shortfall of supply from India, the U.S. and UK would provide additional assistance.⁶⁵ Nepal probably agreed to these security arrangements for the regime security of the absolute monarchy that was in place since 1960 as India was willing to support the monarchy now.

The strength of the Nepali and Indian relationship is also illustrated by the Tripartite Agreement of 1947 among the UK, India, and Nepal on the recruitment of Gurkhas (Nepalese) in the Indian Army and the disbursement of the pension to the retired servicemen.⁶⁶ At present, there are nearly 30,000 Gurkhas serving in seven Gurkha regiments of the Indian Army.⁶⁷ The Indian Military Pension Branch in Nepal today provides pensions to over 125,500 defense, para-military, and civil pensioners who have opted to draw their pensions in Nepal. The yearly amount of pension distributed is approximately Indian Rupees 12 billion.⁶⁸ In addition to the pension amount, the serving soldiers also bring a similar amount of money to Nepal, so the relationship is strategic as well as economic as it is a significant source of income for Nepal.⁶⁹

⁶³ Shukla, "India-Nepal Relations," 362.

⁶⁴ Chaturvedy and Malone, "Yam between Two Boulders," 295.

⁶⁵ Padmaja Murthy, "India and Nepal: Security and Economic Dimensions," *Strategic Analysis* 23, no 9 (1999): 1536, doi:10.1080/09700169908455141.

⁶⁶ See www.parliament.uk/briefing.../SN04671.pdf.

⁶⁷ Utpal Parashar, "End of the Road for Gurkhas in Indian Army?" *Hindustan Times*, March 21, 2012, <http://www.hindustantimes.com/comment/columnsothers/end-of-the-road-for-gorkhas-in-indian-army/article1-828992.aspx#sthash.9cJ6OX92.dpuf>.

⁶⁸ Embassy of India, Kathmandu, Nepal, Pension Branch. http://www.indianembassy.org.np/index1.php?option=e6r5w1VM8od_u8Y0CdwsDiTfg0cohLLpEcNS8hphu-0&id=yR69h-FGUjWwFJgFrejMtaK3KD8Wib_1BjuP9aSRmiM.

⁶⁹ Utpal Parashar, "India's Overseas Pension Army," *Hindustan Times*, June 4, 2011, <http://www.hindustantimes.com/world-news/india-s-overseas-pension-army/article1-705791.aspx#sthash.FuPxqNIO.dpuf>.

1. Indian Interest in Nepal

Although India's stated interest in Nepal is to ensure "Nepal's political stability and economic well-being through the development of its hydropower potential and a smooth flow of trade," its approach is driven mainly by its security interests due to Nepal's prime location.⁷⁰ India's foremost concern in guarding its interest in Nepal is Beijing's evolving relationship with Kathmandu, and the fear of spreading Chinese influence in Nepal.⁷¹ China's expanding footprints in Nepal, which will be discussed in the following section, have a strategic impact on the security of India. Nepal serves as a vital land barrier between India's resource-rich Gangetic plains and autonomous region of Tibet.⁷² Therefore, the security threat to India emanates from the possibility that the Chinese forces can, upon entering Nepal, easily reach the Indian mainland as the Indo-Nepal border is free from any natural barrier.⁷³

The Indian perspective on the security threat from the north was clearly stated in the speech to the Parliament by Prime Minister Nehru:

Apart from our sympathetic interest in Nepal, we are also interested in the security of our own country. From time immemorial, the Himalayas have provided us with a magnificent frontier. Of course, they are no longer as impassable as they used to be, but they are still fairly effective. We cannot allow that barrier to be penetrated because it is also the principal barrier to India.⁷⁴

The issue of Pakistan's alleged support of trans-border terrorism against India through the open borders of Nepal is another major security concern for India.⁷⁵ India claims that Pakistan uses the open border to conduct various subversive activities against

⁷⁰ S. D. Muni, "Bringing the Maoists," in *Nepal in Transition: From People's War to Fragile Peace*, ed. Einsiedel, Malone, and Pradhan (Cambridge: Cambridge University Press, 2012), 317.

⁷¹ Chaturvedy and Malone, "Yam between Two," 299.

⁷² Manish Dabhade and Harsh V. Pant, "Coping with Challenges to Sovereignty: Sino-Indian Rivalry and Nepal's Foreign Policy," *Contemporary South Asia* 13, no. 2 (2004):159, doi:10.1080/0958493042000242945.

⁷³ Murthy, "India and Nepal: Security and Economic Dimensions."

⁷⁴ Jawaharlal Nehru, *India's Foreign Policy: Selected Speeches, September 1946–April 1961* (New Delhi: Publication Division, 1971), 436.

⁷⁵ Chaturvedy and Malone, "Yam between Two Boulders," 302.

India. Although Pakistan denies such claims, the hijacking of Indian Airlines Flight IC 814 from Kathmandu to Delhi in 1990 by a Pakistani terrorist group, *Harkat-ul-Mujahideen*, is an example proving such allegations to be true.⁷⁶

This security concern surrounding the open border policy was reflected in India's perspective towards Nepali Maoists as well. India saw the probability of a spill-over effect of the Maoist success on its side of the border. The open border allows Maoists virtually unrestricted access to India and possible links with the Maoists groups in India. Thus, India wanted to see the Maoist party transformed into the mainstream political party at the earliest.⁷⁷ However, when the Maoists formed a government as a majority party in the Constituent Assembly, both India and Nepali mainstream parties viewed the provision of 'democratization' and the 'right-sizing' of the NA in the Comprehensive Peace Agreement of 2006 as a threat because Maoists might exploit it to take control of the state militarily and establish a dictatorship of the proletariat. India and the traditional Nepali political parties saw NA as the ultimate force to check the Maoist takeover of the state, and thus they explicitly opposed the mass integration of Maoist combatants into the national army, which helped NA to uphold its organization and morale.⁷⁸

The Indian security perspective towards Nepal is based on the denial of a substantial role by any other external power.⁷⁹ India considers Nepal as under its sphere of influence, and thus, it does not want to see an active role by any power without its agreement. Following the defeat of India in the 1962 border war with China, Nepal sought out the U.S. and UK for military assistance as the Indian military was already over-burdened with its own modernization process. Seeing the increasing involvement of extra-regional powers such as the U.S. and UK, India once again wanted to take a leading role in the modernization of the Nepalese Army. Hence, in January 1965, Nepal and India signed an *Arms Assistance Agreement* and India also took on the responsibility of training

⁷⁶ Ibid.

⁷⁷ Aditya Adhikari, "Revolution by Other Means," in *Nepal in Transition: From People's War to Fragile Peace*, ed. Einsiedel, Malone, and Pradhan (Cambridge: Cambridge University Press, 2012), 268.

⁷⁸ Ibid., 269.

⁷⁹ Thapaliyal, *Mutual Security*, 3.

the Nepalese army officers. It can be said that once again India managed to become the dominant player in Nepal through military diplomacy.

2. Indian Assistance to Nepal (1990–2005)

Against the backdrop of the Indian economic blockade when the pro-democratic movement was launched in 1990, the Indian political leaders and parties offered their political support to the democratic movement of Nepal. When the King used force to suppress the demonstrations, the Indian government condemned the crackdown on the popular democratic movement.⁸⁰ Finally, on April 17, 1990, King Birendra dissolved the party-less Panchayat system and asked the opposition parties to form a government. The Prime-Minister-designate K. P. Bhattarai quickly sent a letter to the Indian Prime Minister requesting the normalization of relations between the two countries as it was in the period before 1989. As a gesture of appreciation to the political support rendered by India, the newly formed democratic government agreed to sign new transit and trade agreements. The government also cancelled the last consignment of equipment from China as a mark of addressing the Indian security concern.

With the advent of democracy in 1990 in Nepal, India resumed assisting NA in its modernization. In 1993, India supplied the military hardware worth Indian Rupees 183 million on grant basis and cash payment.⁸¹ India's assistance in Nepal's defense capabilities and the continuous training of Nepalese military leaders in the Indian military institute has kept them in close contact with each other. Since 2001, when NA was involved in the counterinsurgency operations against the Maoists, India also started to support Nepal's effort to curb the insurgency actively. India was the first country to brand the Maoists as the 'terrorists' and it supported the military with supplies of both lethal and non-lethal weapons.⁸²

⁸⁰ Garver, "China-India Rivalry in Nepal," 970.

⁸¹ Thapaliyal, *Mutual Security*, 159.

⁸² "Maoists Insurgency in Nepal: Response from India and China," 160.
http://shodhganga.inflibnet.ac.in:8080/jspui/bitstream/10603/4069/12/12_chapter%205.pdf.

Since 1947 India has maintained a policy called “twin pillars” towards Nepal’s politics; this policy considers the monarchy and the democratic political parties as the two pillars for stability in Nepal. However, when King Gyanendra grabbed absolute power in February 2005 from the government appointed by him just a few months before, the ‘twin pillar’ policy of India became unattainable as it directly brought the monarchy and political parties into conflict with each other. India reacted strongly against the royal move as it considered the King’s move a serious setback to democracy in Nepal.⁸³ While India continued to make an effort to convince the King and democratic parties to reconcile, it suspended all military supplies to NA in order to pressure the King. To counter the Indian pressure, King Gyanendra looked for military support from the U.S. government, but in vain. Then he approached China and Pakistan for the same, and he was able to get military support from both countries in 2005.⁸⁴ This was a problem for India as it would allow its adversaries’ access to Nepal.

From the Indian perspective, the King was becoming increasingly unreliable to reestablish democracy in Nepal and the country was heading towards chaos with increasing political polarization due to the rise of the Maoists. Politically unstable Nepal would be detrimental to Indian security interests. Thus, in an effort to achieve stability in Nepal, India began to strengthen the solidarity among the different parliamentary parties to launch a struggle against the King by providing political as well as financial support.⁸⁵ On the other hand, after seeing the international environment opposed to their movement, the Maoists were seeking a safe-landing. Against the backdrop of Gyanendra’s rising political ambition and strong desire to curb insurgency militarily, India persuaded the Maoists to renounce violence and join the mainstream politics.⁸⁶ Eventually, with facilitation from India, the seven democratic political parties and the Maoists formed an alliance to launch a popular movement against the King in April 2006.

⁸³ Jha, “Nepali Perspective,” 334.

⁸⁴ Muni, “Bringing the Maoists,” 323.

⁸⁵ Jha, “Nepali Perspective,” 334–335.

⁸⁶ *Ibid.*, 336.

3. Indian Assistance to Nepal (2006–2012)

Since the end of monarchy, India has continued to play an important role in the outcome of every major political development in Nepal. In 2006, India not only played a key role in creating an alliance among the seven political parties and the Maoists, but also persuaded the Nepali Army to convince the King that the military might not be able to control the popular movement.⁸⁷ It is not clear how India convinced the military, but India is believed to have promised NA that it will render support to safeguard NA's prerogatives and institutional interests in the changed political context in future. India played an important role as a facilitator to comprehensive peace treaty in Nepal by persuading the Maoists to agree to peace and foreign powers to solve Nepal's problem peacefully.

When the Maoists formed a government after the successful election of the Constituent Assembly in 2009, the Indian establishment found them more inclined towards China, which was viewed as detrimental to the interests of India. Therefore, when there was conflict between the Maoist government and the Chief of the Army Staff of the Nepal Army, India extended support to the army and implicitly applied its political weight to topple the Maoist-led government by asking non-Maoist parties to withdraw their support to the government.⁸⁸

India's ability to influence the NA is due to its role in building Nepal's defense capabilities and the continuous training of Nepalese military leaders in India. This has kept both militaries in perpetually close contact with each other. Up until recently the military-to-military relations were conducted from India only. The Nepal Army had not offered any training or conducted joint military exercises with India. However, since 2010, the Nepal Army started to reciprocate by offering seats to foreign officers including those from India and China in the Nepalese Army Command and Staff College in Shivapuri. Likewise, since 2011 the Nepal Army started to train foreign officers,

⁸⁷ The then army chief, Gen. Pyar Jung Thapa, refused to obey the King blindly. On the advice of the then Indian Foreign Secretary, Shyam Sharan, Gen. Thapa told the King that there was no military option in dealing with the popular movement. See S. D. Muni, "State, Army and the Aam Admi in Nepal," http://www.india-seminar.com/2010/611/611_s_d_muni.htm.

⁸⁸ Bhusal and Singh, "Externally Determined Development," 176.

including Indian officers, for counterinsurgency and jungle warfare training.⁸⁹ The exchange of officers for such training further cements the bilateral military relation by forging professional military education on a personal as well as institutional level.

C. OVERVIEW OF SINO-NEPAL RELATIONS

Historically, Nepal's relationship with China has been contentious. When Nepal invaded Tibet in 1854, China intervened in support of Tibet and forced Nepal to sign a treaty that demanded tribute for China. However, in 1908 Nepal stopped sending tribute to China and in 1911, broke any relations with China when Tibetans drove the Chinese out of Tibet. However, after the occupation of Tibet in 1950, Nepal became a geographical and cultural buffer between Tibet and Tibetan refugees living in India. Hence, the relationship was reestablished in 1955 and resident ambassadors were established in the respective countries.⁹⁰ Nepal was one of the first non-Communist countries to receive Chinese aid in 1956 when China's Premier Zhou Enlai visited Nepal.⁹¹ Ever since, bilateral relations have been positive.⁹²

Meanwhile, fearing an overwhelming Indian interference in internal matters, Nepal began to exercise diplomatic relations with China in 1960. Taking its cue from Nehru, Nepal embraced the strategies of neutrality and non-alignment.⁹³ Consequently, China and Nepal signed a Treaty of Peace and Friendship in 1960.⁹⁴ Also in the same year, both the countries signed a border agreement resolving the issues peacefully.⁹⁵ The most important issue settled peacefully was demarcation of Mt. Everest on the boundary

⁸⁹ See <http://www.nepalnews.com/archive/2011/jan/jan24/news06.php>.

⁹⁰ See <http://www.country-data.com/cgi-bin/query/r-9163.html>.

⁹¹ Axel Dreher and Andreas Fuchs, "Rogue Aid? The Determinants of China's Aid Allocation," 3, https://editorialexpress.com/cgi-bin/conference/download.cgi?db_name=CSAE2013&paper_id=998.

⁹² See background notes on Nepal, U.S. Department of State, March 5, 2012, <http://www.state.gov/outofdate/bgn/nepal/198058.htm>.

⁹³ Sangita Thapaliyal, "Introduction" in *Mutual Security* (New Delhi: Lancer Publishers and Distributors, 1998), x.

⁹⁴ Campbell, "Nepal Case Study," 4.

⁹⁵ Jigme Yeshe Lama, "China and Its Peripheries: Securing Nepal in South Asia," *Institute of Peace and Conflict Studies*, Issue Brief no. 232 (2013): 1, <http://www.ipcs.org/issue-brief/south-asia/china-and-its-peripheries-securing-nepal-in-south-asia-232.html>.

line, with the northern half belonging to China and the southern half belonging to Nepal.⁹⁶ On the occasion of celebrating the first anniversary of the Nepal-China border agreement, Vice Premier and Foreign Minister of China, Marshal Yi said that “in case any foreign army makes a foolhardy attempt to attack Nepal . . . China will side with the Nepalese people.”⁹⁷ Nepal’s foreign policy of maintaining equal distance between its neighbors since 1960 provided enough counterweight to the heavy Indian influence over Nepal.

China looks for maintaining relations with a credible nationalistic force in Nepal for political stability. Hence, in the past China supported the monarchy because it found the monarchy a credible and dependable partner over the democratic forces which were viewed as pro-Indian. Democratic forces were also viewed as unreliable because they might not take any action against Tibetans in Nepal, if they come to power.⁹⁸ The King and royalist leaders adopted a close relationship with China to counter the Indian influence. However, in the absence of the monarchy after 2006, China sought to develop links with the Maoists to serve its interests in Nepal. The Maoists in Nepal also looked at China with sympathy due to ideological affinities and to gain political weight against the India-supported mainstream parties. Nevertheless, China seeks to maintain good relations with whoever comes into power to fulfill its objective in Nepal. In recent years, China has substantially increased its political, economic, and military aid to Nepal.

1. Chinese Interest in Nepal

The Himalayan nation holds an important place in China’s South Asia Policy as it is an entry point to the region. Likewise, Nepal draws the strategic interest of China as it is also a gateway into the volatile autonomous region of Tibet.⁹⁹ Thus, stability in Nepal is a priority for China. China fears that an unstable Nepal will be used as a base for ‘Free Tibet’ activity by Tibetan refugees living in Nepal and transiting to India. Tibetans enjoy

⁹⁶ Buddhi Narayan Shrestha, “Nepal-China Border Demarcation: Token of Friendship,” [http://bordernepal.wordpress.com/2007/01/19/nepal-china-border-demarcation/Token of Friendship](http://bordernepal.wordpress.com/2007/01/19/nepal-china-border-demarcation/Token%20of%20Friendship).

⁹⁷ Thapaliyal, *Mutual Security*, 89.

⁹⁸ Nayak, “Involvement of Major Powers,” 43.

⁹⁹ Lama, “China and Its Peripheries,” 1.

support from the West and India. China also fears an unfriendly Nepal would give Tibetans access to safety zones. This is what drives its friendly overtures towards Nepal. Therefore, securing Nepal's proactive support to curb any anti-China activities from Tibetan refugees and their sympathizers became a priority for China.

Keeping in view the growing influence of India in the South Asia, China needed to keep a favorable balance of power in the region. Thus, reducing Nepal's dependency upon India is a part of the strategic objective of China in South Asia.¹⁰⁰ China's Nepal policy options in this regard were severely restricted by the special security relations between Nepal and India emanating from the Treaty of Peace and Friendship 1950. Understanding the relative advantage of India's relations with Nepal due to their socio-cultural proximity, China made strategic inroads into Nepal by rendering various forms of assistance. The Chinese assistance was mainly focused on ensuring the Nepal government's continuation of the 'One China Policy,' enabling security forces to control the anti-China activities and keeping Nepal away from being too dependent on India. While assisting Kathmandu, Beijing is consciously making strategic inroads into Nepal without inciting the sensitivity of India.

Currently, China's concerns regarding Tibet continue when it comes to containing the influence of the U.S. in Nepal.¹⁰¹ They fear that the West led by the U.S. would exploit the Tibetan refugees in Nepal for anti-China activities.¹⁰² Evidently, in 1959, the CIA provided covert support to the Tibetan uprising, which left tens of thousands of Tibetans dead. Following the event, the Dalai Lama lived in exile in India and thousands of followers fled to Nepal and India. In the aftermath of the Indo-China War of 1962, the CIA worked closely with the Indian intelligence services to conduct covert operations in Tibet and by the mid-1960s the U.S.-trained 'Khampa' guerillas were operating from a base in a remote part of Nepal.¹⁰³ China fears that increased involvement of the U.S. in

¹⁰⁰ Dabhade and Pant, "Coping with Challenges," 159.

¹⁰¹ Ibid., 160.

¹⁰² Ibid.

¹⁰³ Richard M Bennett, "Tibet, the 'Great Game' and the CIA," *Asia Times*, March 25, 2008, <http://www.globalresearch.ca/tibet-the-great-game-and-the-cia/8442>.

Nepal in the name of promoting democracy and human rights will undermine China's core interest of keeping the integrity of Tibet.

2. Chinese Assistance to Nepal (1990–2005)

During the economic embargo by India in 1989 and the political upheaval in 1990, China was not able to provide much assistance to Nepal as it was going through a troublesome time due to the Tiananmen massacres. However, in the succeeding years as China's situation returned to normal, Nepal continued to receive aid from China in exchange for Nepal's steadfast commitment to the policies of maintaining equidistant relations between both neighbors, continuing commitment to 'One China,' and cracking down on anti-China activities from the Tibetan refugees.¹⁰⁴ In 1996, during the visit of Nepalese Prime Minister Sher Bahadur Deuba, in a bid to build a good neighborly partnership and to emphasize people-to-people contact at the grass-roots level, a Sino-Nepal non-government forum was established.

China, however, lacks the ability to support Nepal overland as compared to India due to lack of road and railway connections between the two countries. When Nepal bought some arms, including air defense guns and medium range surface-to-surface missiles worth of \$20 million from Beijing in 1988, India protested the deal citing it as a breach of the 1950 Treaty of Peace and Friendship and virtually closed all but two out of 17 transit routes to Nepal from India.¹⁰⁵ The blockade had a devastating effect on the economy of Nepal.¹⁰⁶ Yet China did not provide much assistance to Nepal despite the fact that the whole crisis was due to the Sino-Nepalese arms deal. China at that moment was under severe criticism from the West due to the Tiananmen Square incident, and under such conditions it did not want to alienate neighboring India by overwhelmingly supporting Nepal.¹⁰⁷ This case illustrates the limitations of China's support for Nepal against India's security interest and economic link.

¹⁰⁴ Lama, "China and Its Peripheries," 3.

¹⁰⁵ Thapaliyal, *Mutual Security*, 132.

¹⁰⁶ Campbell, "Nepal Case Study," 4.

¹⁰⁷ Garver, "China-India Rivalry," 965.

With the high intensity of Nepal's fight against Maoist guerrillas, the U.S. involvement also grew in Nepal. The growing involvement of the U.S. alarmed the Chinese security interests. Therefore, China started to engage Nepal in more meaningful ways. In 2002, the Chinese Premier, Zhu Rongji, visited Nepal and pledged \$10 million for various infrastructure development projects.¹⁰⁸

In 2005, China was the only country that supplied arms and ammunition to Nepal during King Gyanendra's direct rule when the U.S. and India halted their military assistance in protest of the royal rule.¹⁰⁹ Immediately after the royal takeover, China pledged \$1 million in military assistance, offered some Armored Personnel Carriers and signed an agreement to provide three aircraft for logistical purposes to NA. Seizing the NA's urgent need of armament, China has been able to develop military relations with Nepal, which had been a base of India's special relationship with Nepal for a long time.¹¹⁰

In addition to the military assistance, after an official visit of the Nepalese Foreign Minister to Beijing in August 2005, China offered additional assistance of \$12.43 million to spend in any way Nepal wanted.¹¹¹ Although the amount of assistance was not significant, the Chinese message to India and the U.S. was clear: it was going to take any opportunity to make inroads into Nepal regardless of the international situation and the system of governance in Nepal. Such fresh military aid from China significantly boosted the morale of the King and the military in the absence of support from major donors like India and the U.S.

¹⁰⁸ Lama, "China and Its Peripheries," 5.

¹⁰⁹ Jaiswal, "India-China Power Game."

¹¹⁰ Garver, "Diplomacy of a Rising China," 399.

¹¹¹ Sudeshna Sarkar, "China Pledges Military Aid to Nepal," *ISN* (2005): 1.
<http://www.isn.ethz.ch/layout/set/print/content/view/full/246.20?Ing=en&id=107734>.

3. Chinese Assistance to Nepal (2006-2012)

Chinese assistance significantly increased in Nepal after the signing of the Comprehensive Peace Agreement in 2006. The courtship between Nepal and China has gained momentum in the recent years as China has increased its aid money, investment in infrastructure development projects, and military assistance.

Chinese aid to Nepal in 2005–06 was a mere \$128, 200, but in the fiscal year 2010–11, it reached \$32.5 million.¹¹² Although the aid money is not much compared to what Nepal gets from other major donor countries, the surge in the amount of Chinese aid is significant. China also reportedly pledged huge grants and loans worth \$127.4 million to Nepal in 2011.¹¹³

In 2008, China and Nepal announced an ambitious program of extending a railway link from Lhasa to the border of Nepal. If this project is completed, it is going to make an impact on India's trade relations and security concern vis-à-vis Nepal.¹¹⁴ The railway link is expected to provide Nepal an alternative route for trade, energy supply, and access to the international market. For some time, China has strategically sought to minimize Nepal's absolute dependency on trade and transit by opening up new avenues overland. Similarly, the railway link will enable Chinese troops to deploy rapidly from the Tibetan Autonomous Region into the heart of India through Nepal, if Nepal becomes China friendly. Chinese aid to infrastructure developments is often looked at from the security perspective, particularly by the Indian side.

In recent years Chinese military assistance has also grown manifold, ranging from the supply of non-lethal weapons to the exchange of high-level delegations. On March 23, 2011, the Chief of People's Liberation Army (PLA) General Chen Bingde made a goodwill visit to Nepal. On the occasion, an agreement of the Chinese military aid worth \$20 million to the Nepalese Army was signed. In addition to this assistance, the Nepalese

¹¹² Campbell, "Nepal Case Study," 5.

¹¹³ M Humagain, "Aid Quantum: China the Rising Sun on Nepal Economic Horizon," *Kathmandu Post*, August 17, 2011, cited in Campbell, "Nepal Case Study," 5.

¹¹⁴ Campbell, "Nepal Case Study," 6.

Army had already received a separate package earlier in 2008 and 2009.¹¹⁵ This deal of 2011 was signed between the chiefs of the respective armies rather than between the governments. Some analysts indicated the incident as China's willingness to engage directly with the military as it perceives the army as a more stable institution than the government.¹¹⁶

The then Chinese Premier Wen Jiabao in a short visit to Nepal pledged to provide financial aid worth \$140 million for infrastructure development, support to Nepal's peace process, and to upgrade the Nepal police force.¹¹⁷ Chinese authorities are known to have been coordinating with Nepalese border authorities and security officials to enhance border security and upgrade police stations along the northern border of Nepal.¹¹⁸ China provided \$ 2.5 million to strengthen the capacity of Nepal police in 2011.¹¹⁹ China's engagement with Nepal is multi-dimensional and is guided by strategic interest. Chinese influence through various forms of assistance in Nepal is creeping to undermine the overwhelming influence of India and the West in the long-run.

D. OVERVIEW OF U.S.-NEPAL RELATIONS

Nepal and the U.S. established official relations in 1947. The first U.S. bilateral aid to Nepal came in 1951, signing a Technical Cooperative Agreement and Nepal has since received more than \$2 billion in aid.¹²⁰ There was no permanent legation established in Nepal until the uprising in Tibet in 1959.¹²¹

China's occupation of Tibet in October 1950 prompted the United States to support covert action in Tibet. The CIA sponsored a covert campaign against the

¹¹⁵ Ibid., 7.

¹¹⁶ Ibid.

¹¹⁷ Lama, "China and Its Peripheries," 5.

¹¹⁸ Bharti Jain, "China 'Crushing' Tibetan Dissident Groups in Nepal," *Times of India*, May 12, 2013.

¹¹⁹ Campbell, "Nepal Case Study," 5.

¹²⁰ Remarks of Ambassador Scott DeLisi, U.S. Partnership for a Transforming Nepal Tribhuvan University, Embassy of the United States Kathmandu, Nepal, November 18, 2010. <http://nepal.usembassy.gov/pr-11-18-2010.html>.

¹²¹ The 1959 Tibetan Uprising, or 1959 Tibetan Rebellion, began on March 10, 1959, when a revolt erupted in Lhasa, the capital of Tibet.

Communist Chinese in 1956, which led to a bloody uprising in 1959, making the Dalai Lama flee to India and many of his followers to Nepal and India.¹²² The U.S.-trained 'Khampa' rebels operated against the Chinese Communist Security Forces from the early 1960s to 1973 using established forward operating bases in the remote districts of Mustang and Taplejung in Nepal.¹²³

Until 1965, the U.S. was the largest donor to Nepal, but its aid declined later for three primary reasons. First, as the U.S. began to have rapprochement with China in the early 1970s, the U.S. no longer considered Communist China to be a threat to the security of Nepal. Second, the U.S. was heavily committed in Vietnam during the same period. Third, after the 1960s many Western countries started to give aid to Nepal and since the U.S. did not have any significant economic interest in Nepal, it reduced the aid considering the aid from Western countries as supplementary to its own.¹²⁴

After the end of the Cold War, U.S. foreign assistance programs to Nepal increased, as Nepal ushered in a multiparty democracy in 1990 and the U.S. geared up its strategy to encircle China. The U.S. assistance program has supported Nepal's democratization process and promoted sustainable development through programs such as agriculture, health, family planning, environmental protection, and vocational education programs in Nepal. The annual bilateral U.S. assistance through the U.S. Agency for International Development (USAID) and the Department of State has averaged \$54 million.

¹²² See <http://www.globalresearch.ca/tibet-the-great-game-and-the-cia/8442>.

¹²³ John Mage, "The Nepali Revolution and International Relations," *Monthly Review* May 1, 2007. <http://monthlyreview.org/commentary/the-nepali-revolution-and-international-relations>.

¹²⁴ Narayan Khadka, "Foreign Aid to Nepal: Donor Motivations in the Post-Cold War Period," *Asian Survey* 37, no. 11 (1997): 1048, <http://www.jstor.org/stable/2645740>.

1. U.S. Interest in Nepal

The declared objective of the U.S. policy towards Nepal is to help Nepal build a peaceful, prosperous, and democratic society.¹²⁵ The U.S. interest in Nepal is guided by its fluctuating geo-strategic interests in the Asian region, where China and India are the two key countries of engagement.

During the Cold War, U.S. policy towards Nepal was guided by three objectives—containment of Communism in South Asia, their interest in the Tibet issue, and Nepal's use as a watch post for two emerging economic and military powers like China and India. The Communist victory over the nationalist force in China and its subsequent occupation of Tibet emphasized Nepal's strategic importance for the United States, which had adopted a policy of containing communism all over the world.¹²⁶ The U.S. identified Nepal as a strategic location to prevent the spread of communism to South Asia. Nepal's geographic proximity with China and the absolute poverty of its people always made it susceptible to communist ideology. In the early Cold War period, the U.S. followed the policy of reducing poverty and preventing a Communist uprising indigenously or from outside. Thus, U.S. aid programs were focused on enhancing the livelihood of the Nepalese people and supporting the monarchy as a stable political institution.¹²⁷

In the aftermath of the Cold War, the U.S. started to consider India as a 'strategic partner' to counter the rising Chinese influence in the region, which it considers as a 'strategic competitor'.¹²⁸ Since India and the U.S. have a convergent interest vis-à-vis China, the U.S.-India nexus has led to increased cooperation and collaboration on a number of issues, from promoting democracy in Nepal and supporting the counterinsurgency campaign to handling of the Tibetan refugees.¹²⁹

¹²⁵ See background notes on Nepal, U.S. Department of State, March 5, 2012. <http://www.state.gov/outofdate/bgn/nepal/198058.html>.

¹²⁶ Nayak, "Involvement of Major Powers," 45.

¹²⁷ Narayan Khadka, "U.S. Aid to Nepal in the Cold War Period: Lessons for the Future," *Pacific Affairs* 73, no. 1 (2000):87, <http://www.jstor.org/stable/2672285>.

¹²⁸ Sigdel, "Refugees and Geopolitics," 4.

¹²⁹ Ibid.

When the Maoists began their armed struggle in 1996, the United States declared its desire to help Nepal in addressing the root causes of the political crises and help the Nepalese overcome political and developmental problems. The U.S. foreign policy interests in Nepal seek to prevent Nepal from becoming a failing state and to prevent it from becoming another base for terrorists. The recent U.S. assistance to Nepal has sought to cement the gains in peace and security, help Nepal transition to democracy, and strengthen the democratic institution.¹³⁰

2. U.S. Assistance to Nepal (1990–2005)

After the escalation of the Maoist insurgency the U.S. security assistance to Nepal increased significantly. As such in June 2001, a U.S. Office of Defense Cooperation was established in the Kathmandu embassy to coordinate this increased volume of military assistance.¹³¹ When Sher Bahadur Deuba, known to be pro-U.S., became the new prime minister after the resignation of G. P. Koirala in July 2001 over an issue of army mobilization against the Maoists, Christina Rocca, the Assistant Secretary of State for South Asia, visited Nepal to assess the security situation. Likewise, in January 2002, then U.S. Secretary of State General Colin Powell met with COAS along with others in Nepal. Shortly after his visit, the U.S. government pledged military assistance worth U.S. \$ 20 million to Nepal.¹³²

In January 2003, a U.S. military team from the United States Pacific Command (USPACOM) arrived in Nepal to train Nepal Army personnel and the shipment of some 8000 M-16 rifles also arrived around the same time. In May, while a truce was still being negotiated, the U.S. embassy formally announced the inclusion of Maoists on the U.S. list of recognized terrorist groups.¹³³ Also while the talks were going on, Nepal and the U.S.

¹³⁰ Vaughn, “Nepal: Political Developments,” 12.

¹³¹ Mage, “The Nepali Revolution,” *Monthly Review*, May 1, 2007.

¹³² Monalisa Adhikari, “Renewed American Engagement with Nepal’s Maoists,” *IDSA Issue Brief* (November 26, 2012): 3, http://idsa.in/system/files/IB_AmericanEngagementwithNepalsMaoists_MAdhikari.pdf.

¹³³ Mage, “The Nepali Revolution,” *Monthly Review*, May 1, 2007.

signed an Antiterrorism Assistance Deal, which Maoists hailed as a U.S. design to foil the ongoing truce.¹³⁴

Although the U.S. has significantly increased its military involvement in Nepal, it accepts India's centrality in providing military aid to Nepal due to its proximity, legacy of assistance, and strong strategic interest in the region. Thus, while providing military assistance to Nepal, the U.S. appreciated the leading role of India and ensured no competing long-term interest vis-à-vis India in Nepal.¹³⁵ The U.S. withheld the supply of 3,500 M-16 rifles to show its disapproval of the King's authoritarian rule and the poor human rights record of the NA.¹³⁶

Providing military training under International Military Education and Training (IMET) is an important part of U.S. foreign military assistance programs. The IMET program has clear objectives of "fostering democratic civilian control, promoting human rights, and assisting [to] resolve civil-military."¹³⁷ The U.S. Army's link with the Nepali Army was substantial to pursue the army brass to accept the supremacy of the civilians. Since most of the senior leadership of NA has been trained in the U.S., the two institutions have developed a close relationship.¹³⁸ Currently, over 93 percent of the General Officers of the Nepal Army are graduates of one of the IMET-sponsored courses in the United States.¹³⁹

¹³⁴ Hearing before The Subcommittee on Near Eastern and South Asian Affairs of The Committee on Foreign Relations, United States Senate 109th Cong. Second Session (May 18, 2006).

¹³⁵ *The Hindu*, March 12, 2011, <http://www.thehindu.com/news/the-india-cables/5730-usindian-cooperation-and-military-assistance-to-nepal/article1538171.ece>.

¹³⁶ Sarkar, "China Pledges Military Aid to Nepal," 2.

¹³⁷ Bruneau and Trinkunas, "International Democracy Promotion," 57.

¹³⁸ Hearing before The Subcommittee on Near Eastern and South Asian Affairs of The Committee On Foreign Relations, United States Senate 109th Congress Second Session (May 18, 2006).

¹³⁹ *FY 2014, Congressional Budget Justification for Foreign Operations*, Department of State, 580, <http://www.state.gov/documents/organization/208291.pdf>.

3. U.S. Assistance to Nepal (2006–2012)

With a view to democratizing the army, the U.S. has made military assistance to the Nepal Army conditional on their cooperation in the investigation of the human rights violations issues.¹⁴⁰ In an effort to respect the human rights issue NA established a dedicated Human Rights Cell under the Adjutant General branch in July 2002. This cell ensures that all military operations are conducted in accordance with International Human Rights Law (IHRL), International Humanitarian Law (IHL), and judicial proceedings. Besides, NA has made the teaching of IHRL and IHL mandatory in all Army career courses.¹⁴¹ The U.S. policy of a vetting procedure for human rights violations of a potential IMET candidate has significantly helped instill the value of human rights in the Nepalese Army.¹⁴²

“In 1990, U.S. Congress expanded the objectives of the IMET program to focus on fostering greater understanding of and respect for civilian control of the military, contributing to responsible defense resource management, and improving military justice systems and procedures in accordance with internationally recognized human rights.”¹⁴³ These programs with expanded objectives are called Expanded-IMET (E-IMET), and the Congress also authorized civilians to participate in such programs. Nepal is also a recipient of the E-IMET programs. It is hoped that through such programs more civilian leaders will gain a knowledge of civil-military relations.

E. CONCLUSION

Nepal is situated at a strategically important place. Due to its geo-political location Nepal draws attention from various external powers. Given Nepal’s size and location, its powerful neighbors have a dominant say in its security and foreign affairs. As long as these forces continue to compete in extending their power and influence in the region, Nepal will continue to face the harsh implications of the competition.

¹⁴⁰ “U.S.: Aid to Nepal Army Conditional,” *Kathmandu Post*, February 3, 2010.

¹⁴¹ Human Rights in NA. See http://www.nepalarmy.mil.np/human_right.php.

¹⁴² IMET Assessment Project 2007–2008, *Defense Security Cooperation Agency*, www.ccmr.org.

¹⁴³ United States Government Accountability Office, Report to Congressional Committees on International Military Education and Training, October 2011, 3.

Being a poor and underdeveloped country, Nepal receives a significant portion of foreign assistance. However, the donor countries are often motivated by their own vested interests; consequently one sees the different results from similar kinds of aid. Nepal's three important donors, India, China, and the U.S. not only have different interests in providing assistance to Nepal, but these interests are often at odds and can come in various forms, such as military, economic, or political.

Keeping Nepal friendly to India in the area of security and minimizing the Chinese influence has been a primary objective of India's Nepal policy. On the other hand, minimizing Nepal's dependence upon India and keeping Nepal neutral has been an important Chinese objective. China wants to minimize the influence of India in Nepal so that it can expand its footprint, whereas India intends to keep Nepal under its sphere of influence without any significant presence of foreign powers.¹⁴⁴ An expanding Chinese presence in Nepal will be alarming for India as Nepal's border is open and mostly free of any natural barriers. The U.S.-India nexus in support of the Nepali government is mostly guided to countering Chinese influence in Nepal. The U.S. has sought to limit Chinese influence in Nepal not only in the military sphere but also in the economic and political spheres.¹⁴⁵

In comparison to Indian and U.S. assistance, China does not attach the string of democracy and governance of the recipient country to its assistance. China often portrays the focus of its aid policy as non-interference in internal affairs and respect for the sovereignty of the recipient country. China's foreign assistance in Nepal is mostly targeted to pro-establishment interests and largely remains independent of the regime type in the recipient country.

Prior to Nepal becoming a republic in 2006, the NA was looked at through the window of monarchy. However, as the NA came out from behind the curtains after the end of the monarchy, foreign powers started to entertain it separately. NA began to take a distinct place in the changing political context of Nepal. When all of Nepal's powerful

¹⁴⁴ Bhusal and Singh, "Externally Determined Development," 166.

¹⁴⁵ Ibid., 175.

donor countries asserted the NA as the bastion of stability and provided military assistance to fulfill their own divergent interests, Nepal's civil-military relations were impacted by such direct foreign assistance to the military. Some of the examples of external powers dealing directly with the army can be seen when India overtly supported the NA in a debacle over the sacking of COAS by the rightfully-elected government of the Maoists. In a separate event, the Chinese PLA signed an agreement worth \$20 million of military assistance directly with the NA. Events like these show that military has gained the attention of foreign power. Under the given political instability, when political leaders are increasingly failing to fulfill the people's demand, direct link of the military with foreign powers can destabilize the already fragile civil-military relations.

III. DYNAMICS OF DEMOCRATIC CIVIL-MILITARY RELATIONS IN NEPAL

A. INTRODUCTION

Nascent democracies usually find themselves in a dilemma while dealing with the matters of CMR in accordance with the democratic norms, values, and practices. The controversies are even more severe in post-conflict societies transitioning toward peaceful democratic politics. Nepal's political setting consists of both complexities as Nepal attempts to democratize in a post-conflict setting. Interestingly, despite CMR provisions in the various constitutional frameworks, Nepal's democratic CMR have remained comparatively unstable in its quest for democracy since 1990.

This research studies the impact of foreign assistance from the three powerful states, India, China, and the U.S. on the CMR of Nepal. It particularly compares the impact of their assistance on the relations between the civilian government and the military since 1990 when Nepal began to consolidate itself as a multiparty democracy. The study finds that different foreign assistance guided mainly by the donors' geo-strategic and political interests rather than the interests of the recipient country has influenced the dynamics of CMR in Nepal. Thus, the causes of unstable CMR in Nepal should not be viewed as due to domestic concerns only.

The dynamics of CMR and the impact of foreign assistance discussed in this chapter are divided into two periods: the first is from 1990 to 2005, and the second from 2006 to 2012, two important and distinct phases of democratization in Nepal. While the first period experienced a significant move toward multiparty democracy and the beginning of Maoist insurgency, the second period witnessed the Maoists' entrance into mainstream politics, an emergence of a republic after a successful election of the Constituent Assembly (CA), and dissolution of the CA in 2012 as it failed to promulgate a new constitution in the stipulated time. It is imperative to analyze the dynamics of CMR during these two periods of Nepal's quest for democratization to assess the impact of foreign assistance on the CMR in Nepal.

B. BACKGROUND OF THE DEMOCRATIC MOVEMENT IN NEPAL

In February 1959, Nepal held its first parliamentary election that provided ordinary Nepali people an opportunity to practice an electoral democracy for the first time. However, the experiment with democracy ended rather shortly when King Mahendra dissolved the Parliament abruptly and declared a state of emergency at his discretion in December 1960.¹⁴⁶ In 1962, he proclaimed a new constitution under which he and his successor King Birendra directly ruled the country for the next three decades through a party-less autocratic Panchayat system.¹⁴⁷ The Shah dynasty ruled through an unwavering support of the military and retained full authority over the military as kings have done historically in Nepal. The 1962 Constitution also made a provision that barred any bill or amendment related to the military to be introduced in the Parliament without the consent of the king. Knowing the importance of controlling the army, the King established the Military Secretariat in the royal palace, which handled military affairs.¹⁴⁸ Through such a framework, the King retained the sole control over the national Army; hence, there was no question of democratic control of the military in Nepal until 1990, when the setting changed again.

In 1990, the People's Movement ended the autocratic party-less Panchayat regime and ushered Nepal into a new era of parliamentary democracy with a constitutional monarchy. Along with the restoration of democracy, control over the army became a contested realm between the king and the political parties. Since the king coveted the traditional prerogatives in the new constitution and the political parties wanted to bring the military under the democratic government, tensions over the control of the military dominated the drafting of the new constitution. In order to resolve the problem, the Constitution of 1990 maintained the King's authority as the Supreme Commander of the Army but mobilizing authority was made possible only on the recommendation of the

¹⁴⁶ Ganga B. Thapa and Jan Sharma, "From Insurgency to Democracy: The Challenges of Peace and Democracy-Building in Nepal," *International Political Science Review* 30, no. 2 (2009): 207, doi:10.1177/0192512109102437.

¹⁴⁷ "Discourses of Civil-Military Relations in Nepal," 9; Panchayat is a system in which villages become self-governing through a chosen group of elders, for details see <http://countrystudies.us/nepal/60.htm>.

¹⁴⁸ "Discourses of Civil-Military Relations in Nepal," 9.

National Security Council, which was comprised of the Prime Minister, the Defense Minister, and the Chief of the Army Staffs. However, the *Act on The Rights, Duty, Function and Terms of the Service of the Commander-in-Chief (1969)* remained unchanged, which deemed the Chief of the Army to be responsible to His Majesty rather than the elected government. Thus, largely due to the provision of this Act, the military-monarch relations remained the same. At the same time, the CMR deteriorated severely in the period leading up to the royal takeover in 2005 as the civil authorities tried to wrest control from the military.¹⁴⁹

In 2005, following the royal takeover, the seven political parties of the dissolved parliament formed an alliance called the Seven Party Alliance (SPA). This alliance, together with the Maoists, who had been launching an armed rebellion since 1996, launched a people's movement in April 2006, which forced the king to reinstate the parliament in May 2006.¹⁵⁰ This successful popular movement led to the signing of the Comprehensive Peace Agreement that laid the foundations for future development of the CMR in Nepal. Recognizing the urgency of bringing NA under democratic civilian control, the reinstated parliament scrapped the king's title as the Supreme Commander-in-Chief and renamed the Royal Nepal Army as the Nepal Army on May 18, 2006.¹⁵¹ Subsequently an interim constitution of 2007 was promulgated and Nepal was declared a democratic republic by the first session of the CA in 2008.

Learning from the mistakes of the previous constitutions, the new interim constitution sought to make a significant contribution to provision for democratic control of the army, which is described later in this chapter. With some exceptions of civil-military friction, the constitutional framework and NA's increasing exposure to international training and academics has been fostering democratic CMR in Nepal since

¹⁴⁹ Prakash Nepali and Phanindra Subba, "Civil-Military Relations and the Maoist Insurgency in Nepal," *Small Wars & Insurgencies* 16, no 1 (2005): 90. DOI: 10.1080/0959231042000322576.

¹⁵⁰ The SPA consists of Nepali Congress, Nepali Congress (Democratic), Communist Party of Nepal Unified Marxist-Leninist (CPN-UML), Nepal Sadbhavana Party (Anandi Devi), Nepal Peasants and Workers Party, United People's Front, and United Left Front.

¹⁵¹ "Discourses of Civil-Military Relations in Nepal," 12.

2006.¹⁵² Therefore, to assess the impact of foreign security assistance on the CMR, it is imperative to understand CMR developments after Nepal began to democratize since 1990.

C. CIVIL-MILITARY RELATIONS (1990–2005)

1. Transition to Multiparty Democracy: Army Reluctant To Accept Civilian Control

In 1990, the People's Movement ended the 30-year autocratic Panchayat regime under the direct rule of the monarchy and established a multiparty parliamentary democracy with a constitutional monarchy. Fearful of a sudden regressive move from the royalist forces if the king was not given any space, the parties agreed to a constitutional monarchy. Thus, on November 9, 1990, a new constitution was promulgated as a compromise document.¹⁵³

From the beginning of drafting of the constitution, the army lobbied to maintain the sovereignty of the king because traditionally NA was absolutely loyal to the monarchy. Army generals were known to pressure the interim Prime Minister K. P. Bhattarai to ensure sovereignty of the King and autonomy of the military.¹⁵⁴ The Royal Nepal Army also submitted a written recommendation to the Constitution Recommendation Commission for the sovereignty of the Kingdom of Nepal to be vested in His Majesty, rather than in the Nepalese people. Besides this, as an attempt to show solidarity and apply pressure, some fifteen generals met the Interim Prime Minister K. P. Bhattarai to assert their preference for vesting the sovereignty of Nepal upon the King as it had been in the past.¹⁵⁵ The military further suggested to not to place the army under

¹⁵² Ibid., 15.

¹⁵³ Lok Raj Baral, "The Return of Party Politics in Nepal," *Journal of Democracy* 5, no. 1 (1994): 124, doi:10.1353/jod.1994.0012.

¹⁵⁴ Roderick Chalmers, "State Power and the Security Sector," in *Nepal in Transition: From People's War to Fragile Peace*, ed. Einsiedel, Malone, and Pradhan (Cambridge: Cambridge University Press, 2012), 63.

¹⁵⁵ Surendra Pandey, "The Role of the National Security Council," in *The Nepali Security Sector: An Almanac* (2009): 75, <http://www.dcaf.ch/Publications/The-Nepali-Security-Sector-An-Almanac>.

the control of the representatives of the people, claiming that doing so would politicize the institution.¹⁵⁶

Nepal Army's explicit determination to be under the monarch and their relentless attempts to manipulate the constitution drafting commission to retain sovereignty in the King clearly suggests that in spite of the change in the politics, the Nepal Army was reluctant to change its loyalty. This was an early indication of civil-military friction in the coming years of Nepal's polity.

Although the transition from party-less autocratic regime to multiparty democracy presented an opportunity to bring the army under meaningful democratic control, the civil state failed to assert a civilian supremacy due to an ambiguity over the authority of control and mobilization of the armed forces.¹⁵⁷

2. The Legal and Constitutional Framework for CMR

The 1990 Constitution for the first time tried to bring the NA under democratic control through Article 118 on Provisions Regarding the Royal Nepal Army, which ensured that the King only operated and used the Royal Nepal Army on the recommendation of the National Defense Council (NDC). The Council consisted of the Prime Minister as the chairman, and the Defense Minister, and the COAS as members. Likewise, Clause 119 identified His Majesty as the Supreme Commander of the Royal Nepal Army and that the COAS of the Army shall be appointed by His Majesty on the recommendation of the Prime Minister.¹⁵⁸ These two articles give the Prime Minister de jure power to control the army because the King can mobilize the army or appoint the COAS only on the recommendation of the Prime Minister. Nevertheless, the King always retained de facto control over the army.

Although the NDC was formed to oversee matters related to the Royal Nepal Army, this council was virtually unable to function as the army was controlled,

¹⁵⁶ Pandey, "The Role of The National Security Council," 74–75.

¹⁵⁷ Narahari Acharya, "The Nepalese Army," in *The Nepali Security Sector: An Almanac* (2009): 122, <http://www.dcaf.ch/Publications/The-Nepali-Security-Sector-An-Almanac>.

¹⁵⁸ See Constitution of Kingdom of Nepal in www.icrc.org/ihl-nat.nsf/0/45CEB801F5459EDFC12576D9004BDEFD.

mobilized, and managed under the Army Act of 1959 that made the army accountable to the King. Thus, the army was not responsible either to the government or to the Parliament.¹⁵⁹ It was only after the Popular Movement II that the new Army Act of 2006 replaced the Act of 1959.

3. The Civil-Military Gap

The 1990 Constitution failed to transfer the inherent sovereign power of the king and loosen the royal grip on the military to bring it under the purview of Parliament. Instead, the elected governments focused more on civil administration, foreign relations, and police matters, but ignored the military and security matters. Part of the reason why politicians never tried to bring military leaders into their advisory circle is the mutual mistrust between army top brass and the political parties.

The relations between the generals and civilian leaders never harmonized in the post-1990 democratic period as the generals openly detested the parties and made no secret of their allegiance to the King.¹⁶⁰ On the other hand, civilian leaders mostly looked at the military with suspicion mainly because of the military's loyalty to the monarch and the lack of personal connections between the politician and the generals, as the latter usually came either from aristocratic families or knew someone with close connections to the royal family.

As Nepali and Subba say, "the different formative experience and early socialization process of the elites of the civil and military institutions and their divergent interpretation of the country's past have created some discrepancy in the core values and worldviews of the military and civilian establishments."¹⁶¹ The relations between the army and political party are inherently conflict-ridden because the military with its corporate interests views the politicians as intruders into the established political order.

¹⁵⁹ Dinanath Sharma, "The Legislature-Parliament," in *The Nepali Security Sector: An Almanac* (2009): 25, <http://www.dcaf.ch/Publications/The-Nepali-Security-Sector-An-Almanac>.

¹⁶⁰ Dhruba Kumar, "The 'Royal' Nepal Army," *Himal Southasian*, March 2006. <http://www.himalmag.com/component/content/article/1658-the-royal-nepal-army.html>.

¹⁶¹ Nepali and Subba, "Civil-Military Relations" 93.

Thus, there is a persistent problem of reconciliation between democratic political forces and the military.¹⁶²

4. Legislative Control Measures

The successive governments of the multiparty democratic era never considered reforming the NA for the good of the government or for the people, in general. Politicians both in the government and in the Parliament showed very little interest in probing the sensitive issues of military affairs. One of the main reasons for ignoring security issues was the complete lack of security knowledge and risk-averse attitude of the politicians.¹⁶³ For most of the politicians the military did not actually matter for their electoral constituencies. Thus, they seldom took any interest to probe into the military affairs.

Likewise, parliamentary committees did not make any efforts in formulating any policies to bring the security sector under the scrutiny of the Parliament.¹⁶⁴ Even though Article 118 (3) of the Constitution of 1990 maintained that the establishment and management of the Army be determined by law, the Parliament did not make any new law regarding the Army. Instead the management and mobilization of the Army continued as per the *Army Act of 1959*, which sharply contrasts with the Constitution of 1990. On the other hand, the *Tasks, Duties and Rights of Chief of the Army Staff and Service Limitation Act 1969* remained enacted, which maintained the Chief of the Army Staff be loyal to the King.¹⁶⁵ As such, the constitutional vision of keeping the Army under an elected parliament and the government pursuant to the Constitution of 1990 did not materialize.

¹⁶² “Discourses of Civil-Military Relations in Nepal,” 10.

¹⁶³ Kumar, “Democratic Control of Security Forces,” 14.

¹⁶⁴ Sharma, “The Legislature-Parliament,” 22.

¹⁶⁵ Pandey, “The Role of the National Security Council,” 82.

5. Maoist Insurgency and the Beginning of Civil-Military Friction: Effectiveness of the Neglected Military

The Maoists launched a ‘People’s War’ on February 13, 1996, with a view to overthrow monarchy and write a new constitution through a Constituent Assembly.¹⁶⁶ In September 1997, the army proposed a plan to launch a division-sized force along with a development package of approximately 6.5 million Rupees in the badly-hit insurgency area to curb the insurgency at the early stage.¹⁶⁷ Despite full preparations, the government rejected the army plan citing the budget was too high and instead decided to deploy only the police force to fight the insurgency.¹⁶⁸ Had the government deployed the army at an early stage when the rebels were badly organized and poorly armed, matters might not have taken the turn they did.¹⁶⁹ Nepali and Subba write that the mistrust between the Nepali Congress Party, who formed the government at the time, and the Army was the main reason for not deploying the military. The party had doubts about the loyalty of the Army and it did not wish to see the power of the military grow.¹⁷⁰ In other words, the friction in civil-military relations at the time allowed the insurgency to expand.

Prior to mobilization against the Maoist insurgency in 2002, the government of the time had severely cut resources to the NA.¹⁷¹ After 1991, for the next five years, the NA was not provided with sufficient budget. As the regular spending, such as salaries, allowances, and rations, accounted for nearly 80 percent of the limited budget, the Army’s effectiveness was severely affected due to lack of resources to spend on enhancing professionalism. Therefore, as a result of the government’s exclusive focus on

¹⁶⁶ Deepak Thapa, “The Making of the Maoist Insurgency,” in *Nepal in Transition: From People’s War to Fragile Peace*, ed. Einsiedel, Malone, and Pradhan (Cambridge: Cambridge University Press, 2012), 2.

¹⁶⁷ Nepali and Subba, “Civil-Military Relations,” 93; Dipak Gurung, “Owning National Army,” August 8, 2010, http://archives.myrepublica.com/portal/index.php?action=news_details&news_id=22000#.

¹⁶⁸ Ibid.

¹⁶⁹ Gurung, “Owning National Army.”

¹⁷⁰ Nepali and Subba, “Civil-Military Relations,” 93.

¹⁷¹ Nischal N. Pande, “Security Sector Reforms in Nepal: If Not Now, When?” *South Asian Survey* 16, no. 2 (2009): 253, doi:10.1177/097152310901600206.

control and its neglect of the Army's needs caused a severe imbalance in the course of having democratic civil-military relations.

6. Executive Control Mechanism

The question of civilian control over the army became apparent only when the civilian government sought to mobilize the military in a counterinsurgency operation in 2000.¹⁷² In an attempt to retain a civilian majority in the NDC and to lay the groundwork for the mobilization of the NA, Prime Minister Koirala for the first time appointed a separate Defense Minister.¹⁷³ King Birendra was not in favor of using the military against his own people, thus when the government wanted to mobilize the military, its leadership shirked by citing pre-conditions for mobilization. The pre-conditions included demands such as the declaration of a state of emergency, consensus among all parties for army mobilization, and labeling of Maoists as terrorists.¹⁷⁴ However, when the Prime Minister recommended mobilizing the NA, even without meeting all the pre-conditions, the King did not approve it.¹⁷⁵ When King Gyanendra revoked the recommendation of the Prime Minister, the dispute over the mobilization led to a severe civil-military friction, which resulted in the resignation of the Prime Minister in July 2001. In spite of the constitutional framework of the civilian control, the King used his de facto traditional power to prevail over the democratically elected civilian government. As the insurgency intensified, the civilian control over the army severely deteriorated. After the resignation of the Prime Minister, the nexus between the King and the military became even stronger. As the security situation of the country further deteriorated, the state of emergency was declared in November 2001, and the military started to take the center stage while the executive control began to decline due to mobilization of the military for the counterinsurgency operations.

¹⁷² Ibid.

¹⁷³ Nepali and Subba, "Civil-Military Relations" 93; previously, the Prime Minister used to retain the portfolio of Defense Minister as well.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

7. Royal Takeover 2005: Worsening CMR

King Gyanendra's desire to take advantage of the political chaos during the height of the Maoist insurgency greatly worsened the CMR in Nepal. The failure of political parties to govern effectively encouraged the King to assert an active role in Nepalese polity.¹⁷⁶ In February 2005, the King assumed state power, dismissing the elected government, and placing the political leaders behind bars. The military reassumed its position in the center of politics by defending the royal regime.¹⁷⁷ King Gyanendra directly ruled the country with the support of the military, which was used extensively to suppress the political parties, civil service, media, and civil society.¹⁷⁸ As a result of such harsh employment of the military against the people, the CMR worsened even more.

D. ASSESSMENT OF THE IMPACT OF FOREIGN ASSISTANCE ON CMR (1990–2005)

The impact of foreign assistance on CMR during the period from 1990 to 2005 is divided into two phases. The first period is from 1990 to 2001, covering the advent of democracy until mobilization of the NA against the Maoists. The second period is from 2001 to 2005, the time of NA mobilization in the counterinsurgency campaign until the King directly took the power into his own hands. In the first phase foreign assistance did not play an important role in shaping the CMR as it was mainly focused on economic development, but during the second phase the increased foreign assistance from the three main donors, especially the military assistance, was vital in the outcome of the CMR in Nepal.

During 1990 to 2001, foreign assistance from India, China, and the U.S. came mainly in the economic category. Although India and the U.S. provided political support to the pro-democratic movement and could have tied in their aid to reform, they left democratization and CMR as an internal matter of Nepal. In addition, none of the donors showed significant interest in assisting the military as it was a low priority in comparison

¹⁷⁶ Ramjee Parajulee, "An Experiment with a Hybrid Regime in Nepal (1990–2006)," *Journal of Asian and African Studies* 45, no. 1 (2010): 104, <http://jas.sagepub.com/content/45/1/87.full.pdf>.

¹⁷⁷ "Discourses of Civil-Military Relations in Nepal," 11.

¹⁷⁸ Ibid.

to economic development. Even though the Maoists insurgency had started in 1996, the donor countries paid little attention considering it as a law and order problem. The NA faced “attention deficits” from its own political leadership and external donor countries.

Consequently, one may argue that until 2001 the CMR in Nepal was unstable largely due to domestic causes. Although there was some ambiguity in the constitutional framework for CMR, the 1990 Constitution allowed for enough provisions for democratic CMR. However, the civilian leaders could not implement the entire range due to the relationships between military and the royalty. In an effort to assert control over the military, the civilian leaders failed to enhance effectiveness in the military which made the military leadership dissatisfied with their political masters and unwilling to declare their allegiance to the civilian leaderships. This was mainly due to three issues. First, as a legacy of history, democratic political parties looked at the military as a threat to democracy because the military had always sided with the monarchs in suppressing the democratic movements in the past. Thus, civilian leadership wanted to gain control over the military at any cost. Second, the politicians either lacked the knowledge about the military or did not give priority to military affairs as compared to partisan politics. Finally, the lack of available resources forced the politicians to compromise on the effectiveness of the military. Thus, the foreign assistance had virtually no impact on the civil-military relations between 1990 and 2001.

In the period from 2001 to 2005, the security assistance from India, China, and the U.S., with their divergent interests, fueled the political ambition of King Gyanendra and culminated in a severe civil-military crisis. When Maoists attacked NA barracks in November 2001, foreign powers like the U.S. and India started to provide substantial military assistance to NA. As part of the “War on Terror” the U.S. visualized the worst combination of Maoist guerillas providing safe haven for the international terrorist groups in Nepal. The U.S. increased its engagement with NA by establishing an Office of Defense Cooperation, followed by visits of high level delegations, the supply of arms, the imposition of U.S. training teams in Nepal, and a pledge of \$20 million in military

assistance to NA.¹⁷⁹ The U.S. declared the Maoists as terrorists and signed an Antiterrorism Assistance Deal with Nepal.

In the wake of 9/11, India swiftly supported the U.S. “Global War on Terror,” with the hope that such a move would give India some leverage to put pressure on the Pakistan-sponsored cross-border terrorism. In addition, India had its own Maoist problem as the group prevented implementation of special economic zones in the country’s eastern corridor. Thus, India branded the Maoists as terrorists even before the Nepal government’s declaration, as the group was still engaged in the peace talks with the Nepal government.¹⁸⁰ India’s security analysts started to link Nepal’s Maoists with the Naxalites of India and their possible cooperation, which would impact Indian borders. Therefore, India intensified its support to counterinsurgency in Nepal.

While the U.S. and India were providing military assistance to Nepal in pursuit of their own interests, King Gyanendra, in a series of moves and with the tacit support of the NA, consolidated his position amidst Nepal’s deteriorating security and ineffective political situation. The overwhelming support of both India and the U.S. militarized the situation to the extent that political leaders were sidelined. It was only after February 2005 when the King assumed direct rule that India and the U.S. condemned the royal move as a setback to democracy and suspended all military support in protest. In spite of reading early signs of derailing democracy and motivated by fulfilling their own interests, the U.S. and India gave priority to stability over democracy, but by that time they realized enough damage had occurred to CMR in Nepal.

Meanwhile, China was slow to react to the Maoists movement; although, it made clear early that China had nothing to do with the ongoing movement sticking to the policy of non-interference in others internal matters. Early on China made it clear that the Maoists were not getting support from them. As the involvement of the U.S. increased after 2002, China also began to engage in Nepal’s affairs, but not as actively as the U.S. and India because China still considered the Maoist problem as an internal matter of

¹⁷⁹ Adhikari, “Renewed American Engagement,” 3.

¹⁸⁰ Muni, “Bringing the Maoists Down From the Hills,” 319.

Nepal, and China was hesitant to get involved in the internal affairs of its neighbor. In addition to Pakistan, China was the only other country that provided military and economic assistance to the royal regime in 2005 when all others suspended the military aid. China had long maintained good relations with the monarchy in Nepal and viewed it as an instrumental institution to protect its security interest in Nepal. Thus, China seized the opportunity to make inroads into Nepal through military aid. China had no serious concern about the civil-military relations as it despised the democratic parties being pro-Indian and the whole democratic setup as an American design.

E. CIVIL-MILITARY RELATIONS (2006–2012): CONTINUED INSTABILITY

1. The Transition to a Democratic Republic

This section covers the evolution of CMR during the period from 2006 to 2012. In spite of the abolition of the monarchy, the CMR remained unstable during the period of study. This period saw the signing of the CPA, successful conduct of CA elections, declaration of the republic, reintegration of the qualified Maoist combatants into the NA, and the dissolution of the CA without promulgating a new constitution.

Nepal's political course changed significantly when the parliamentary parties along with the Maoists launched a popular democratic movement in April 2006 against the autocratic regime of the King. The 19-day popular uprising forced the King to revive the Parliament in May 2006. Soon after the reinstatement of Parliament, a coalition government was formed and the Comprehensive Peace Agreement was signed between the government and the Maoists. The peace agreement marked an end to the ten-year-old Maoist insurgency and paved the way for the election of the CA. On May 28, 2008, the historic first meeting of the CA declared Nepal a federal democratic republic, abolishing the 240-year-old monarchy.¹⁸¹ Until then, "as an institution the army had enjoyed a relatively comfortable existence: the palace's patronage reinforced the crown-centered nationalistic rationale for its existence while insulating it from the challenge of making

¹⁸¹ Nepal Becomes a Federal Democratic Republic, May 28, 2008.
<http://www.nepalnews.com/archive/2008/may/may28/news18.php>.

tough strategic decisions.”¹⁸² Now with the abolition of the monarchy, possibilities had opened up for the democratically elected government to bring the army under the scrutiny of the civilian leadership. On the other hand, there was an equal threat of the military becoming politically active if civilian leadership and other democratic institutions failed to handle it properly.

2. Extra-Constitutional Control Mechanism: The Media’s Power

While the reinstated Parliament scrapped all the power the King had over the NA, the civilian leadership was looking cautiously for any move by military top brass against the present polity or in support of the King. When a national daily published a controversial speech of NA’s Acting Western Divisional Commander, Brigadier General Dilip S. J. B. Rana, the government promptly initiated an enquiry regarding his controversial remarks. In his speech on February 5, 2007, Brigadier Rana claimed that political instability, rampant corruption, and poor governance after the restoration of democracy in 1990 were the causes of Maoist violence. He added that NA relentlessly fought the Maoists for the cause of the nation and forced the latter to renounce the politics of violence and sit for dialogue.¹⁸³ The Interim Legislature-Parliament Committee summoned the COAS, General Rookmangud Katawal to record his statement regarding the controversial remarks made by the Division Commander.¹⁸⁴ Later, Brigadier Rana was charged for making remarks contrary to the “tradition and policy” of the NA, and he was discharged from the service.¹⁸⁵ This incident heralded the power of external control mechanisms such as the media and civil society in controlling the military’s actions indirectly. The government’s prompt action against a serving general

¹⁸² Chalmers, “State Power and the Security Sector,” 60.

¹⁸³ Prem Nepali, “Army Men Ordered to Remain on ‘High Alert.’” February 6, 2007. <http://www.ekantipur.com/2007/02/06/top-story/army-men-ordered-to-remain-on-high-alert/99735.html>.

¹⁸⁴ Kantipur Report, “HoR Grills CoAS Katawal over Subordinate’s ‘Military Deployment’ Remarks,” February 6, 2007, <http://www.ekantipur.com/2007/02/06/top-story/hor-grills-coas-katawal-over-subordinates-military-deployment-remarks/99794.html>.

¹⁸⁵ Kantipur Report, “NA Writes to Defence Ministry To Take Action against Gen. Rana,” February 8, 2007, <http://www.ekantipur.com/2007/02/08/top-story/na-writes-to-defence-ministry-to-take-action-against-gen-rana/100008.html>.

sent a strong signal to the army about the willingness of the political parties to assert control of the army.

Despite widespread suspicion, the NA remained apolitical while the country transitioned into a republic, and it helped the election commission to conduct the election of the CA. For instance, the army remained in the barracks during the crucial phase of transition. Had the army made a move, the country could have easily plunged into violent conflict and the peace process would have easily derailed.¹⁸⁶ Gautam writes, “It has been a mark of Nepal Army’s professionalism and sensitivity to the winds of political change that, although accused of being ‘royalist’, it did not attempt to intervene in Nepal’s dramatic political transition ... that led to the abolition of monarchy and coming to power, through elections, of CPN-Maoists against which it had previously fought a bitter war.”¹⁸⁷ Nepal Army’s willing allegiance to the principles of civilian supremacy, together with the tight scrutiny of extra constitutional powers like that of the media, civil society, and rights groups, had rightly set the stage for positive civil-military relations .

3. Executive Control Measures: The Civilian Supremacy

Learning from the past mistakes of the Constitution of 1990, the interim Constitution of 2007 made a significant effort to bring the military under the democratic civilian control. For instance, the interim constitution revoked the membership of the Commander-in-Chief (C-in-C) from the National Security Council (NSC) and added four more cabinet ministers to the Council.¹⁸⁸

Unlike the 1990 Constitution, with the abolition of monarchy and removal of the C-in-C from membership on the Council, the NSC was comprised of civilian leaders only. Article 145 provides for the creation of the NSC. It was created to recommend on mobilization and operation of the Nepal Army to the Council of Ministers. The NSC is chaired by the Prime Minister and other members, including the Home Minister, Defense

¹⁸⁶ Pandey, “The Role of the National Security Council,” 255.

¹⁸⁷ Kul Chandra Gautam, “Enhancing Democratic Control of Nepal Army as Part of Nepal’s Security Sector Reform,” 2, <http://www.kulgautam.org/2010/01/enhancing-democratic-control-of-nepal-army-as-part-of-nepals-security-sector-reform/>.

¹⁸⁸ “Discourses of Civil-Military Relations in Nepal,” 12.

Minister, and three other ministers designated by the Prime Minister. The Defense Secretary acts as a Member-Secretary and in his/her absence the person designated by the Prime Minister acts as Member Secretary.¹⁸⁹

The NSC, however, has remained largely defunct and has not produced any policy regarding the security of the state. Nepal is yet to write a national security strategy. Consequently, there is a lack of clarity on the roles and missions of the military.

4. Legislative Control

Clause 2 of Article 5 of the interim constitution has a provision that a decision of the government to mobilize the NA should be placed before the Special Security Committee of the Parliament for approval within three days. Such a provision allowed the people's representative to control state security agencies and made executive accountable to it.¹⁹⁰ Additionally, as an oversight agency, the State Affairs Committee has the following responsibility regarding the NA:

- To get and discuss The Annual Report about the management of Nepal Army submitted to The Nepal Government by the Commander in Chief of Nepal Army.
- To discuss and consider on the annual report of the Military Welfare Fund submitted through the fund's Guardian to the committee under the *Nepal Army Act 2006* regarding the income, expenditure, and progress report about the fund.¹⁹¹

The President of the Republic of Nepal is designated as a Supreme C-in-C of the NA under the provision regarding the formation of the army pursuant to Article 144 of the amended constitution. Similarly, it also provided that the President shall appoint the COAS on the recommendation of the Council of Ministers.¹⁹² According to the interim Constitution of 2007, the President retains the final authority to operate and mobilize the NA on the recommendation of the Council of Ministers.

¹⁸⁹ Sharma, "The Legislature-Parliament," 30.

¹⁹⁰ Kumar, "Democratic Control of Security Forces," 147.

¹⁹¹ State Affairs Committee, "An Introduction," Legislature-Parliament of Nepal, <http://www.can.gov.np/en/committees/view/42>.

¹⁹² Acharya, "The Nepalese Army," 123.

5. Judicial Control Mechanism: Judicial Review of Military Activities

Historically, the military justice system was completely outside the purview of the regular justice system in Nepal. The Constitution of the Kingdom of Nepal, 1990, had exempted the Supreme Court from reviewing cases of court martial. However, the interim Constitution of 2007 brought any case of murder or rape by military personnel under the jurisdiction of regular courts. Nepal police are to conduct the criminal investigation if any military personnel are charged with rape or murder. Consequently, the military justice system is brought under the jurisdiction of the Supreme Court.¹⁹³

6. Maoist-Led Government: Nadir of CMR

In 2009, Prime Minister Puspa Kamal Dahal, leader of the Maoist party, resigned over the sacking of COAS General Katawal. The Maoists had accused General Katwal of defying government orders in three incidents: recruiting some 3000 personnel into the army; reinstating eight brigadier generals whom the government had retired; and pulling athletes of the army team out of national games to protest the participation of the former rebel team of Maoists.¹⁹⁴ Although, the Prime Minister sacked the COAS, the Cabinet was divided on the decision. In the face of such politically divisive conditions, the President annulled the decision and wrote directly to the COAS to continue in office.¹⁹⁵ Constitutionally, the President is the Supreme Commander of the NA and appoints the COAS on the recommendation of the Council of Ministers. But controversy erupted when he reversed the government decision to sack General Rookmangad Katawal.¹⁹⁶

¹⁹³ Hari Phuyal, "Justice Systems in Security Organisations of Nepal," *The Nepali Security Sector: An Almanac* (2009), 263–265, <http://www.dcaf.ch/Publications/The-Nepali-Security-Sector-An-Almanac>.

¹⁹⁴ Bikash Sangraula, "Nepal's Maoists Lose Support over Army Chief's Sacking," *The Christian Science Monitor* (2009), 4, <http://www.csmonitor.com/World/Asia-South-Central/2009/0504/p06s07-wosc.html>.

¹⁹⁵ Muni, "State, Army and the Aam Admi in Nepal," 8.

¹⁹⁶ Krishna Khanal, "The Role of the Head of State," *The Nepali Security Sector: An Almanac* (2009), 47, <http://www.dcaf.ch/Publications/The-Nepali-Security-Sector-An-Almanac>.

On May 3, 2009, the Maoist-led cabinet sacked the incumbent COAS, General Rookmangad Katawal, and appointed General Kul Bahadur Khadka as the acting chief of the NA. The president, however, was informed of the decision only later on.¹⁹⁷ Prior to the Maoist Party's decision to fire the COAS, all major political parties were in favor of asserting more civilian control over the armed forces. However, such unilateral action by the Maoists created fear among other parties that it was designed to weaken the national military to serve their vested interest.¹⁹⁸

Therefore, when the Cabinet decided to sack the COAS, most of the coalition government partners were absent or expressed their disagreement, instead they asked the President to get involved. Moreover, 18 political parties represented in the CA, including those in the government, wrote to the President requesting him to intervene. General Katawal also petitioned the President to reinstate him, arguing he had been sacked contrary to the provisions of the constitution. It was under such conditions, President Yadav, Supreme Commander of the Nepal Army, ordered General Katawal to continue in the job since his dismissal was against the constitutional and legal provisions.¹⁹⁹

Prime Minister Dahal resigned on May 4, 2009, since his action to sack Katawal did not materialize and the coalition partners withdrew support for his government. He alleged the President's action was "an unconstitutional step against the elected government." He, however, stated that there was "an urgent need to end the dual regime created through unconstitutional measures." Prime Minister Dahal further said he was "stepping down in a bid to safeguard democracy, nationalism and the peace process which had been endangered due to the conspiracy hatched by opposition parties and foreign forces."²⁰⁰ This is the second time the democratically elected Prime Minister of Nepal has resigned due to civil-military friction.

¹⁹⁷ Ibid., 49.

¹⁹⁸ "Discourses of Civil-Military Relations," 13.

¹⁹⁹ Khanal, "The Role of the Head of State," 49.

²⁰⁰ Ibid., 50.

7. Ministry of Defense: Weak Institution

As far as the Ministry of Defense (MOD) is concerned, modern Nepal never had a functioning MOD. Since the beginning of Panchayat era in 1960 to up until 2006, although there was a provision for MOD, the real power and responsibilities of controlling the military were vested in the Principal Military Secretariat at the Royal Palace. However, when the monarchy was suspended in 2006, many of these powers and responsibilities were effectively shifted from the Royal Palace to the Army Headquarters instead of the MOD. The Chief of Army Staff reported to Defense Minister only for the sake of formality, but retained the actual decision making authority himself.²⁰¹ Throughout Nepal's modern history, the MOD has remained virtually dysfunctional. In 2011, Nepal's government initiated a plan to overhaul the MOD to establish civilian oversight of the NA. The plan aimed to restructure the old organization of the MOD since 1992. There are only 38 all-civilian staffs in the MOD, who struggle to manage almost a 95,000-strong army. Although the plan envisages an increase in the number of staff to 98 civilian personnel with the inclusion of new special sections such as a human rights cell, procurement of military hardware, and oversight of the peacekeeping operations. However, due to lack of expert manpower and access to data of the Army Headquarters, the Ministry is working as a rubber stamp only.²⁰² As the only service under the resource-crunched MOD, the NA has remained largely autonomous. Thus, the civilian oversight of the military by such a weak MOD is questionable.

Differences between the Maoist Minister of Defense and the Army Chief, Katawal, deepened when the army continued to recruit the vacant posts of the NA and extended the tenure of the retired generals despite the objection of the MOD. Thus, when the Maoist Defense Minister tried to assert authority, the NA's relation with the Ministry became rather frosty. In spite of its constitutional rights the MOD has not been able to assert its authority over the military.²⁰³ The failure of the democratic institutions such as

²⁰¹Gautam, "Enhancing Democratic Control," 4–5.

²⁰² Phanindra Dahal, "The Shake Up: Government Sets Defence Ministry Revamp Process Rolling," <http://www.ekantipur.com/the-kathmandu-post/2011/08/02/top-story/the-shake-up-government>.

²⁰³ Pande, "Security Sector Reforms," 256.

political parties, MOD, and executives to gain the confidence of the military might spur the NA in the direction of asserting political power on its own.²⁰⁴ On February 15, 2009, NA submitted a political proposal to the National Interest Preservation Committee of the CA demanding revocation of democratization of NA, secularization of state, and creation of a federal structure.²⁰⁵ The NA even went on to suggest that such matters should be endorsed only through a referendum.²⁰⁶ Events, as such, indicate the possibility of NA having greater political aspirations.

8. Integration of Maoist Combatants: Stabilizing CMR

Ever since the fiasco of the Maoist-led government's attempt to sack the COAS, the CMR in Nepal has gradually improved. Successful integration of the Maoist combatants into the NA was a significantly visible indicator of positive civil-military relations. The NA proposed a relatively liberal plan to integrate interested Maoist combatants into the national armed forces under a separate directorate, which was taken positively by all major political parties.²⁰⁷ Presentation of insignia of rank to the former Maoist combatant officers-cadet on August 26, 2013, concluded the integration of the Maoist combatants into the NA.²⁰⁸ Of 19,602 verified Maoist combatants, only 17,076 combatants showed up for the regrouping process in the cantonments. Out of these, 1,460 combatants were qualified for military training for integration into the NA, six opted for the rehabilitation program, and the remainder took up voluntary retirement with a state-offered cash package of Nepalese Rs. 500,000 to 800,000, depending upon the rank of the combatants.²⁰⁹ Of the total trainees 66 men and four women combatants were

²⁰⁴ Nepali and Subba, "Civil-Military Relations," 85.

²⁰⁵ Gautam Navlakha, "Peace Process Heading South," *Economic and Political Weekly* 44, no. 49 (2009): 11, <http://www.jstor.org/stable/25663851>.

²⁰⁶ Bishnu Pathak and Devendra Uprety, "The Culture of Militarization in South Asia: Both Armies' New Recruitment in Nepal," Transcend.org, <https://www.transcend.org/tms/2009/03/the-culture-of-militarization-in-south-asia-both-armies-new-recruitment-in-nepal/>.

²⁰⁷ Geja Sharma Wagle, "Democratic Control," *Kathmandu Post*, June 30, 2011.

²⁰⁸ "Army Integration Reaches Logical Conclusion," *Republica*, August 26, 2013, http://www.myrepublica.com/portal/printable_news.php?new_id=60253.

²⁰⁹ Lekhnath Pandey, "Army Integration Chapter Concludes," *The Himalayan Times*, July 5, 2013, <http://thehimalayantimes.com/featured/year2012/inner.php?id=MTEzMg>.

commissioned into the NA as officers, and 1,352 of them joined the NA as soldiers in July 2013.²¹⁰

F. ASSESSMENT OF IMPACT OF FOREIGN ASSISTANCE ON CMR (2006–2012)

India, China, and the U.S. had adopted a different approach to the Maoist problem in Nepal. However, during the popular democratic movement of 2006, all three countries' interests converged as they saw the movement was feeding a growing Maoist rebellion and a threat of Maoist victory loomed large. Thus, in a strikingly unprecedented manner an unusual diplomatic alliance was formed among Washington, Beijing, and New Delhi, which collectively put pressure on the King to step down.²¹¹ Five days after several ambassadors met with the King in succession with a common message to step aside, the King announced the reinstatement of Parliament. All three countries provided vital support in the signing of a Comprehensive Peace Agreement in 2006 and subsequent election of the CA in 2008. Such a convergence of interests was also instrumental in convincing the NA to accept the CPA and render assistance toward a successful election.

Such a remarkable example of convergence of strategic interests among often competing nations could not last long. When the Maoist government sacked the Chief of the Army Staff in May 2009, allegedly for his defiance of the government, the interests of the three countries once again diverged. This divergence of interests led to the nadir of CMR in Nepal.

India flexed its political leverage to revoke the decision when the Maoist Prime Minister sacked the COAS. The relationship between India and the Maoist had already been estranged when the Prime Minister made his first foreign visit to China as opposed to the tradition of visiting India first. India was unhappy with the affiliation of the Maoist

²¹⁰ Utpal Parashar, "Former Maoist Rebels Join Nepal Army as 'Officers,'" August 26, 2013. <http://www.hindustantimes.com/world-news/nepal/former-maoist-rebels-join-nepal-army-as-officers/article1-1113138.aspx>.

²¹¹ Peter Wonacott, "Politics & Economics: Diplomacy May Pay Off in Nepal; U.S., China and India Overcome Differences to Help Avert Crisis," *Wall Street Journal*, Eastern edition, April 27, 2006. <http://search.proquest.com.libproxy.nps.edu/docview/398959756/fulltext/13DA3C6467752934399/1?accountid=12702>.

party with China. To make the matter worse, the Maoists went ahead to sack the COAS crossing the red line drawn by India not to touch the NA. It is believed that India's promise to keep the NA intact was a quid pro quo for the NA's support to the peace process.²¹² Many non-Maoist groups interested in Nepal's affairs considered the sacking of the Chief of NA as the Maoists' move to take control of the state by weakening the only strong institution of Nepal. Thus, the Indian establishment persuaded the President to revoke the decision and encouraged the United Marxist Leninist party to withdraw support from the government.

The U.S. was also unhappy with the Maoists coming into power so early. It claimed that the Maoists were yet to prove that they would abide by the commitment to a multiparty democracy. With such a background when the Maoist-led government sacked the chief of the army, the U.S. became suspicious of the Maoists' motives. The continued presence of a strong NA served the U.S. and Indian interests to keep it as a strong bastion to counterbalance any undesirable Maoist takeover of the country.

On the other hand, China was in search of a stable political partner in Nepal and had started a courtship with the Maoist Party. However, it did not lend support to the Maoists at the cost of breaking relations with NA. Thus, despite political support for the Maoists, China did not come out to support their move.

The debacle of the Maoist-NA was clearly an issue of civil-military relations. Under the ideal conditions and principle of democratic civil military relations, the legitimate government has the right to make such decisions. However, in the present case, the divergent interests of various internal and external powers took the side of the military in the civil-military conflict. The study thus reveals that such differential assistance has had a far-reaching impact on the relations between the military and the civilian government.

²¹² Jha, "A Nepali Perspective," 341.

G. CONCLUSION

As Nepal went through a sea of political changes since 1990, CMR also came to the lime light. Nepal's democratic CMR can be understood best by dividing it into two distinct time periods from 1990 to 2005 and from 2006 to 2012. The first period illustrates Nepal's practice of multiparty democracy with a constitutional monarchy, and the second period represents the Republic of Nepal with a multiparty democracy. In both periods, despite attempts made to bring the NA under civilian control by adopting constitutional measures, NA has prevailed over the civilian government whenever there was a friction in the civil-military relations. Therefore, it is important to understand the background of the discourses of CMR in democratizing Nepal to assess the causes of continuous civil-military friction.

The late King Mahendra consolidated military-monarch relations with the adoption of the *Act on The Rights, Duty, Function and Terms of the Service of the Commander-in-Chief (1969)*, which made the COAS responsible and accountable to the monarch rather than to the government.²¹³ As this act remained unchanged until 2006, despite the constitutional arrangements of asserting civilian control over the military through the provision of NDC, the NA remained absolutely loyal to the monarch and prevailed over the civilian leadership during the times of civil-military friction.

Even after restoration of the multiparty democracy in 1990, owing to historical links between the monarch and the military, the politicians largely left the military to be autonomous. Since the King was supreme commander of the NA and he held the final authority to operate and use the armed forces on the recommendation of the NDC, he was able to exploit the weaknesses of the Constitution by using his discretionary authority.²¹⁴ The ruling elites in Nepal after 1990 did not feel any necessity to bring the then Royal Nepal Army and other security mechanisms under civilian control. If the elected government had designed and implemented a plan for security sector reform, particularly focusing on the NA, the traditional power of the monarchy would have been curtailed. As

²¹³Kumar, "Democratic Control of Security Forces," 140.

²¹⁴ Ibid.

a result of the failure of the ruling elites to democratically control the armed forces, the NA remained loyal to the King until 2006, but not to the elected governments.²¹⁵

As the NA was deployed against the Maoists, India, China, and the U.S. provided military assistance according to their interests. Such support was motivated by their desire to fulfill their own divergent interests and led to worsening CMR as it allowed the King to take over power. By contrast, during the popular movement of 2006, the convergence of interests of foreign powers led to the peaceful reinstatement of Parliament. The 2009 debacle over the sacking of the COAS proves that merely having constitutional provisions does not ensure stable CMR. The latest debacle also suggests that in spite of all the necessary provisions to bring the military under the democratic control, the government failed to achieve political consensus on retaining civilian supremacy due to the involvement of foreign hands. Thus, the study reveals that foreign assistance driven by diverse interests cause complexities in civil-military relations, as the military becomes more powerful in relation to other traditional institutions.

NA has already proved its commitments to remain under the control of the democratically elected civilian government by peacefully supporting the transition to a republic, rendering necessary assistance to the election of the CA, and accepting Maoist combatants to be integrated into the army.²¹⁶ However, what remains to be seen is how efficiently the political masters control the army without damaging NA's effectiveness. Nonetheless, harmonious civil-military relations are evolutionary and a long-term process. Therefore, it cannot be imposed by any political decision.

²¹⁵ Shiva Hari Dahal, "Democratizing the Security Sector in Nepal," *The Nepali Security Sector: An Almanac* (2009), 11, <http://www.dcaf.ch/Publications/The-Nepali-Security-Sector-An-Almanac>.

²¹⁶ Wagle, "Democratic Control," *Kathmandu Post*, June 30, 2011.

IV. CONCLUSION AND RECOMMENDATIONS

This thesis examined a case study of foreign assistance from Nepal's three most important donors—India, China, and the U.S. In particular, it examined the dynamics of democratic civil-military relations in two distinct periods: the period from 1990–2005, when Nepal transformed into a multiparty democracy with constitutional monarchy, and the second period, from 2006–2012, when Nepal transformed to a federal democratic republic, and the CA was dissolved in 2012 because it failed to promulgate the new constitution within the mandated time.

Nepal's civil-military relations cannot be solely attributed to domestic political interplay, but foreign assistance from external powers also strongly shaped civil-military relations. Divergent foreign assistance, guided mainly by the donor's geo-strategic and political interests has complicated civil-military relations in Nepal. Since 1990, when Nepal first undertook its quest for democracy, democratic CMR have remained comparatively unstable because the military has remained powerful due to foreign security assistance compared to other traditional institutions. Although many issues behind the lack of consolidation are domestic, analysts must also look at the role of foreign security assistance in this process.

Nepal's strategic location makes its neighbors and one global power, the U.S., compete for influence and power. As a buffer state between India and China, each of these countries wants to bring Nepal under its sphere of influence to further its own security interests. Given Nepal's size and location, its powerful neighbors have a dominant say in its security and foreign affairs. As long as these forces continue to compete in extending their power and influence in the region, Nepal will continue to face the implications of this competition.

Being a poor and underdeveloped country, Nepal receives a significant amount of foreign assistance. However, donor countries are often motivated by their own vested interests; consequently, one sees different results from similar kinds of assistance. Nepal's three important donors, India, China, and the U.S., not only have different

interests in providing assistance to Nepal, but these interests are often at odds and can come in various forms, such as military, economic, or political. Keeping Nepal friendly to India in the area of security and minimizing Chinese influence has been a primary objective of India's Nepal policy. On the other hand, minimizing Nepal's dependence upon India and keeping Nepal as a strong independent neutral buffer has been an important Chinese objective. Since Nepal is a buffer state situated strategically between the two rising regional powers, the U.S. also desires to play an important role in the security affairs of the country.

Nepal's geo-political setting presents an example wherein political parties as well as the military share a strong affiliation with external players. Owing to Nepal's underdevelopment and political instability, foreign assistance, as well as foreign pressure, plays a vital role. Nepal's various political parties have been known to have closer relations with one or the other friendly donor countries. For instance, the Nepali Congress Party is known to have been pro-Indian, and some factions of it are claimed to be more inclined toward the U.S. Likewise, after the first election of CA in 2008, the United Communist Party of Nepal Maoists-UCPN (M) has become closer to China. The Nepal Army, on the other hand, shares close relations with all three countries. It is often under conditions of such interwoven relationships that Nepal's CMR becomes unstable, depending upon the government of the time and the interest of the foreign powers.

Diverse foreign security assistance to Nepal brings another issue of donor interests and approaches for providing assistance. All three donor countries have divergent interests in assisting the Nepal Army, and this diverse form of military assistance has an unintended consequence of unbalancing the civil military relations. Although all three of the donors consider NA as the last bastion of stability in Nepal, that stability has different meanings for each of the three major donors analyzed here.

For India, a stable Nepal is the one where the ruling government willingly recognizes the 'special relations' between Nepal and India, a government that is sensitive to India's security concerns vis-à-vis China and Pakistan, and is willing to place Nepal under India's sphere of influence. China, on the other side, prioritizes stability over ideology and is willing to work with any Nepali government as long as it accepts the 'one

China policy' in relation to Tibet, and a government that is willing to use its security apparatus to restrain the activities of Tibetan dissidents. As for the U.S., stability in Nepal means having a democratic government which governs through a rule of law, respects the human rights of its citizens, and looks to Western values positively.

Such diverse interests have two consequences. First, depending upon the situation and foreign inclination of the government of the time, external forces try to use or exploit both the army and political leaders to safeguard their interests. Second, as all donors vie to render support to the military, thereby they inherently become more influential and earn a distinct place in the politics of Nepal. Such a strong position sometimes can challenge the legitimately elected government.

For instance, in 2001, when the Nepal Army got involved in the counter insurgency operations after the Maoists attack, military assistance started pouring in Nepal. India and the U.S. declared Maoists as terrorists and provided significant military assistance to the NA. India supported with the supply of both lethal and non-lethal weapons including small arms, ammunitions, mine protective vehicles, and helicopters. As part of the "War on Terror," Nepal and the U.S. signed an Antiterrorism Assistance Deal, and the U.S. provided small arms, ammunitions, and counter insurgency training to NA. As Kathmandu was getting increasing foreign military support, Beijing also provided financial and military aid to NA. In 2005, China was the only country that supplied arms, ammunition, and financial aid to Nepal during King Gyanendra's direct rule when other had suspended support.

Along with the increase in foreign security assistance and various kinds of political support, the issue of civil-military relations also surfaced. The military assistance from the donors boosted the confidence of the King and the army to solve the Maoist's problem militarily. Thus, the King asserted a more active role and began to accumulate power in his own hands. As the country became increasingly militarized, the political parties were systematically marginalized. Consequently, civil-military relations also deteriorated.

In spite of the early warning of derailing democracy, the U.S. and India gave priority to stability over democracy and continued to provide support to the NA. By the time these donors realized the extent of the imbalance, CMR in Nepal had been greatly damaged. When India and the U.S. suspended military assistance to Nepal in protest of the royal regime, China provided security assistance to Nepal at the King's request. China had long maintained good relations with the monarchy. Although the monarchy was antithetical to Chinese ideology, China viewed the monarchy as a reliable force to defend its security interest in Nepal. Thus, China seized the opportunity to make inroads into Nepal through military aid, and the royal regime found backing from a foreign power.

In the period from 2006–2012, the most striking civil-military friction was the fiasco over the sacking of COAS by the Maoist-led government. India used its political leverage to bring down the Maoist-led government over the issue of the sacking of COAS, and the U.S. quietly supported the action of the Indian establishment. The relationship between India and the Maoists had already been estranged due to the latter's growing affiliation towards China. Many non-Maoist groups interested in the affairs of Nepal looked at the incident as the Maoists' deliberate attempt to weaken the national army and ultimately take over the state. Thus, the Indian establishment persuaded the President to revoke the decision and encouraged the United Marxist Leninist Party to withdraw support from the government. The U.S. also gave its tacit support for the Indian effort, although it was against the ideal principle of civilian control of the military. On the other hand, China had started a courtship with the Maoists after they came to power. Some analysts believe that new ties with China encouraged the Maoists party to take such radical steps to fire the COAS. The Maoists party might have assumed the support of China as a counterweight to Indian pressure, but it is hard to accept that China would lend support to the Maoists at the cost of relations with the NA. China also sees the NA as the last bastion of stability in Nepal recommendations

This study makes two policy recommendations to build positive democratic civil-military relations through foreign assistance. First, donors need to help the military professionalize and the best way to start this is from restructuring the MOD. Since MOD

is the highest authority that makes security related policies, it should be staffed with a sufficient number of highly professional personnel. In the absence of an effective MOD, the military becomes autonomous, which in a democracy can threaten the government.

Second, keeping the army under civilian control is the essence of democratic civil-military relations. Many officers of the NA are exposed to democratic civil-military relations when undergoing professional military education in democratic countries. However, civilian leaders of Nepal lacked direct experience with defense matters and thus a gap in understanding exists between the military and civilian leadership. To fill the knowledge gap, in addition to the military leadership, lawmakers should also attend various trainings or seminars related to military and their relations as part of the foreign assistance. It is important that a civilian leadership is well versed in military matters to lead a professional military organization. Thus, security assistance should focus on educating politicians how to organize and manage the military more efficiently and transparently. In addition, they should be educated on the aspects of positive civilian oversight and civilian control of the budget.

Foreign powers supporting democratization need to supply more than just money and arms; they need to provide positive and practical models for civilian control of the military. When these powers supply weapons and military equipment, they often provide training in how to use these tools. Similarly, when they want to help the country to achieve democracy and stability, they should also consider providing civilian and military leadership with sufficient training to use the techniques and procedures of promoting democratic civil-military relations.

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